

7th November

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Letter of 18th December, 47

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I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2708	3400		Affidavit of OGAWA, Sekijiro		32674
2237	3401		Affidavit of SAKAKIBARA, Kazue		32678
1371	3402		Photograph of a Bulletin posted on the wall of the Chinchuan Temple, Chinkiang by a Staff Officer of the Shanghai Expeditionary Force as ordered by Commander MATSUI		32688
2235	3403		Affidavit of SHIMONAKA, Yasaburo		32690
2236	3404		Affidavit of NAKATANI, Takeyo		32704
		3405	Magazine entitled "Dai- Asia-Shugi" October 1940 issue	32714	
2394		3405-A	Excerpt therefrom		32715
	3406		Book entitled "The Annual Report by the Greater Asiatic Association", published in April 1940	32719	
2234	3406-A		Excerpts therefrom		32721

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I N D E X

Of

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<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2500	3407		Excerpts from the firm establishment of "Manchuria for Manchurians" written by MATSUI, Iwane June 1932		32730
2625	3408		Lecture delivered by MATSUI, Iwane which appeared in the "Great Asia Doctrine", the organizational publication of the Great Asia Association		32733
2670	3409		Affidavit of OKADA, Takashi		32738
2594	3410		Photograph of the Inauguration of Kannondo, erected by MATSUI, Iwane		32763
1077-A	3411		Statement issued by MATSUI, Iwane in Shanghai on 8 October 1937		32764
1077-B	3412		Statement issued by MATSUI, Iwane to the People of the Chinese Republic		32764

1 Friday, 7 November 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese
20 to English interpretation was made by the
21 Language Section, IMTFE.)
22
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25

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 - - -

4 NAMORU IINUMA, recalled as a witness
5 on behalf of the defense, resumed the stand and
6 testified through Japanese interpreters as follows:

7 THE PRESIDENT: All the accused are present
8 except SHIRATORI and MATSUI, who are represented by
9 counsel. We have certificates from the prison surgeon
10 of Sugamo certifying that they are ill and unable to
11 attend the trial today. The certificates will be
12 recorded and filed.

13 Some weeks ago the Prime Minister of Australia
14 cabled to me as follows:

15 "The Court lists this year have been and
16 will be heavy. Even minor and temporary indisposi-
17 tions have several times recently reduced the Court
18 below the number necessary for effective operation.
19 Having regard to Section 23 of the Judiciary Act, a
20 Bench of five judges is required for any case affect-
21 ing the constitutional powers of the Commonwealth,
22 and on several occasions only four have been available."

23
24 The Prime Minister then requested me to
25 return to Australia for the November Sittings of the
High Court of Australia, if that could be arranged.

1 The November Sittings commences on Tuesday next
2 and will continue until the midsummer vacation on
3 the 20th of December.

4 I am returning to Australia.

5 Accordingly, I shall not after today resume
6 my seat on this Tribunal until sometime in December.

7 Mr. Cunningham.

8 MR. CUNNINGHAM: If your Honor please, may
9 I make a motion and objection to that action which
10 has just been announced on the part of the Tribunal?

11 THE PRESIDENT: Not without the concurrence
12 of my colleagues. What is the nature of the motion?

13 MR. CUNNINGHAM: Objection to the absence
14 of the President of the --

15 THE MONITOR: Will you repeat Mr. Cunningham's
16 statement?

17
18 (Whereupon, the last statement was
19 read by the official court reporter.)

20 MR. CUNNINGHAM: I didn't finish the sentence.

21 THE PRESIDENT: We will hear you.

22 MR. CUNNINGHAM: I wish to state that my
23 remarks are addressed to your office and not to you,
24 personally, Mr. President.

25 First, it is the basis of my objection that
it is the duty of a judge to attend the trial at all

1 times unless sickness intervenes. The privilege of
2 absence has been so abused during this trial that it
3 is necessary at this time that the record show a
4 protest.

5 THE PRESIDENT: I have never been absent
6 for one second from this trial.

7 MR. CUNNINGHAM: It is my contention that
8 no judge should hold down two judgeships at the same
9 time or positions on different courts at the same
10 time.

11 THE PRESIDENT: Most of the Judges here
12 hold positions upon other than this court. We do not
13 want your personal reasons. We will hear your sub-
14 missions of law.

15 MR. CUNNINGHAM: It is the right of these
16 defendants to have the Judges present at all stages
17 in the proceedings.

18 THE PRESIDENT: The Charter expressly per-
19 mits them to be absent.

20 MR. CUNNINGHAM: The Charter never contem-
21 plated a trial by absent judges.

22 THE PRESIDENT: That is not questioned. We
23 cannot allow you to waste our time arguing against
24 the terms of the Charter.

25 MR. CUNNINGHAM: There being no procedure

1 for selecting a substitute President in the Charter,
2 we must assume that in the case of the absence of the
3 one appointed the case shall be adjourned, or the
4 President resign and a new one appointed by the
5 Supreme Commander.

6 THE PRESIDENT: Then, if the President
7 becomes ill an acting President cannot be appointed,
8 according to you.

9 MR. CUNNINGHAM: That is my position, your
10 Honor, and I would like to have any authority to the
11 contrary.

12 THE PRESIDENT: Some things are so elementary
13 that authority is not called for.

14 MR. CUNNINGHAM: May I proceed and finish my
15 matter? Then I can answer any questions that you
16 might have on my authority for what I say at the end
17 of my discussion.

18 Since the trial has progressed to its present
19 stage and there is a possibility that it shall continue
20 for another six months or year beyond the time for
21 negotiations for the peace treaty, then we contend
22 that these defendants have been upon trial and have
23 been detained already much longer than their deeds,
24 even if they were found guilty, are justified in many
25 cases; and if the President of the Tribunal cannot

1 stay throughout the proceedings, then the accused
2 certainly should not have to stay here.

3 THE PRESIDENT: Even the accused are
4 frequently absent.
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1 MR. CUNNINGHAM: Since this case involves
2 the question, does international obligations supersede
3 national obligations, it seems that the President should
4 decide which duty calls him, but both should not be
5 allowed to call him at the same time.

6 An election is called for at this time.

7 THE PRESIDENT: That is not a submission of
8 law, in my understanding.

9 MR. CUNNINGHAM: It is an imposition upon
10 the accused and their counsel, is a reflection upon
11 the dignity of the court, the importance of this
12 proceeding, and the loyalty to the Supreme Commander.
13 It is the duty of Australia to accede to the Allied
14 Powers and make their sacrifice. If the reason given--

15 THE PRESIDENT: That is purely political, and
16 I do not think we should listen to you. I have con-
17 sulted the Supreme Commander at every step.
18

19 My colleagues tell me they want your submissions
20 of law only. It is not for you to tell Australia what
21 her duty is, nor for me to listen to you.

22 MR. CUNNINGHAM: If the reason given this
23 morning is the only reason which calls the President
24 back home, then I object, for the reason that it is
25 not sound, legal, or a logical excuse for absence,
not in the best interests of justice, of a fair trial

1 for these accused, is contrary to the spirit and the
2 wording of the Charter, and an abuse of the privileges
3 allowed under it, above all times to take a leave of
4 absence when it is so essential to have a full Court.
5 Therefore, I object to the absence of the President
6 during the trial for any reason other than health.
7 I request that if the President leaves, then he ask
8 the Court to adjourn until his return. In the event
9 the Court refuses to adjourn, then I ask that the Presi-
10 dent disqualify himself from further participation in
11 this trial on account of his absence, and that he
12 request that the Supreme Commander designate another
13 Member as President, or that the case be dismissed
14 and that we all go back to our own countries.

15
16 Not if you have any observations or questions,
17 I will be glad to answer them as the source of my
18 authority.

19 THE PRESIDENT: We will hear Mr. McManus if
20 you have nothing further to say.

21 MR. McMANUS: If your Honor pleases, I want
22 to make it quite clear on behalf of the accused ARAKI
23 that we do not join the motion just presented.

24 MR. LEVIN: Mr. President, Mr. Cunningham,
25 in beginning his argument, did not state on whose behalf
~~he made his motion. I do not know whether there are~~

1 other American counsel who join him, but I believe the
2 consensus of American counsel is opposed to this motion.
3 In any event, he did not speak for me.

4 If there were a legal basis for making a
5 motion that I thought was tenable, possibly I might
6 make such a motion. Nevertheless, the motion in my
7 opinion is not tenable in any sense. I say this even
8 though I shall very greatly regret the absence of the
9 President as the presiding officer of the Tribunal.

10 Article 3 of the Charter provides as follows:

11 "a. President. The Supreme Commander for
12 the Allied Powers shall appoint a Member to be President
13 of the Tribunal."

14 Article 4, Subdivision a, provides:

15 "When as many as six Members of the Tribunal
16 are present, they may convene the Tribunal in formal
17 session. The presence of a majority of all members
18 shall be necessary to constitute a quorum."
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1 It will be noted, if the Tribunal please,
2 that the presence of the President is not essential
3 under this article for the constitution of a quorum
4 of the Court. The only special function possibly
5 that the President has in relation to the voting is
6 that if there is a tie, his vote is decisive as
7 provided in subdivision b. Subdivision b provides
8 as follows: "All decisions and judgments of this
9 Tribunal, including convictions and sentences, shall
10 be by a majority vote of those Members of the Tribunal
11 present. In case the votes are evenly divided, the
12 vote of the President shall be decisive."

13 It is for this reason, may it please the
14 Tribunal, that I believe there is no basis in fact
15 or in law for the position presented by Mr. Cunningham.

16 THE PRESIDENT: Mr. Cunningham.

17 MR. CUNNINGHAM: Your Honor, most times --
18 many times your best point is emphasized by your
19 adversary.

20 Your absence leaves this Court with ten
21 Members when Justice Pal returns on the 12th. Time
22 after time in this courtroom, your vote has been
23 decisive on major matters of policy as well as
24 objections to evidence introduced in this Court which
25 was of vital importance to these defendants. Under

1 the Charter the President in such cases is given
2 two votes. His vote is the decisive one.

3 You, Mr. President, have been invested with
4 that power and authority by the Supreme Commander
5 and you can neither delegate it, assign it, or
6 postpone it. It is a matter that has to be exercised,
7 in my submission, by you personally.

8 If the Charter had intended a substitute or
9 an alternate for the President in its statesmanship
10 or lack of it, it would have expressly stated that
11 in its provisions; and the absence of any expression
12 indicates that it was not intended according to the
13 legal interpretation of documents of this nature.

14 THE PRESIDENT: It takes a long time for the
15 interpreters to translate what you say. I wish you
16 would speak in clearer language so that we wouldn't
17 be delayed so long in this Tribunal.

18 You completely miss the point. The matter
19 has been covered by a decision of the highest court
20 in the British Empire, and there is no higher court
21 in the world.

22 This very question arose in connection
23 with a trial arising out of the South African War.
24 In the particular statute or charter the Privy Council
25 in the King -vs- Marais, decided after that war, 't

1 naturally, that where the expression "A Judge of the
2 Supreme Court" was used in a document like this, it
3 extended to an acting judge.

4 The report of that decision is obtainable in
5 Tokyo, and I shall place it before my Colleagues who
6 are interested in reading it. They can decide whether
7 they will apply the reasoning in that decision, or what
8 they have heard from you.

9 MR. CUNNINGHAM: Well, may I refer a little
10 reading on that point, too?

11 THE PRESIDENT: You missed the point completely;
12 that the term "President" in the Charter includes an
13 acting president according to that very high English
14 authority. And that decision, being a Privy Council
15 decision, binds every court in every British Dominion.

16 MR. CUNNINGHAM: Well, being an Irish-American,
17 your Honor, doesn't bind me.

18 I merely want to call attention to Judicial
19 Code, Section 217, entitled "Vacancy in Office relating
20 to the Chief Justice of the United States Supreme
21 Court." Now, that makes more sense to me than the
22 interpretation of a case that arose in some British
23 court. So, I would suggest that the Court read that
24 provision and see if the United States Supreme Court
25 is --

1 THE PRESIDENT: We will listen gladly to
2 any decision of the United States Supreme Court on
3 the interpretation of such a word as the "President"
4 or the "Chief Justice" in any statute. But what the
5 statute provides is entirely beside the point, as
6 you know. What you get in your United States Supreme
7 decisions is the help of their reasoning on questions
8 of interpretation, but you do not get them in statutes
9 of the United States Congress nor in the statutes of
10 any other parliament. I should not have to point out
11 those elementary things to counsel.
12

13 MR. CUNNINGHAM: Your Honor, as far as you
14 and I are concerned, you are misleading me, because
15 I follow a statute much more closely than I do the
16 decision of the Court interpreting that statute; because
17 what some court might have said about something some
18 time or other doesn't bind. It is what the law says
19 in the statute made by the legislators that controls.
20

21 THE PRESIDENT: Then, if you think that, I
22 have nothing more to say to you.

23 MR. CUNNINGHAM: I should like to say what
24 this statute says in the Case of Vacancy in the Office
25 of the Chief Justice of the United States. And if
the Charter had intended to take care of this
contingency it would have stated. And this provision

1 of the United States Code probably was enacted in
2 order that a situation which confronts us this
3 morning would not arise.

4 My final observation is this: That it is
5 doubtful that if a President pro tem or a substitute
6 president were appointed by the remaining Members
7 of this Tribunal at this time, that any action taken
8 either by this President or by the Tribunal under
9 his direction would be valid.

10 THE PRESIDENT: The motion is dismissed.
11 Brigadier Nolan.
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CROSS-EXAMINATION

1 BY BRIGADIER NOLAN: (Continued)

2 Q General IINUMA, at the adjournment yesterday
3 afternoon, we were discussing the fact that a few
4 cases of plunder and outrage were reported to
5 General MATSUI after the entry into Nanking. What
6 were the outrages referred to in that paragraph 11
7 of your affidavit?

8 A By "outrages" are meant at times -- are
9 meant rough actions but at times included rape.

10 Q What do you mean by "rough actions" when it
11 does not include rape?

12 A What I mean by "rough actions" is meant such
13 actions as removing furniture to use the furniture
14 as fire wood for warming purposes or to beat or kick
15 the inhabitants and other actions of such nature.

16 Q Does it include murder?

17 A No.

18 Q You told me yesterday that the headquarters
19 of your army was thirty kilometers distant from Nan-
20 king prior to the fall of the city.

21 A Yes.

22 Q On what date did you move your headquarters
23 into Nanking?

24 A About the 25th of December.

1 Q And, how long did the headquarters remain
2 in Nanking after that?

3 A Some time until after the 10th of February
4 of the following year.

5 BRIGADIER NOLAN: Thank you.

6 MR. MATTICE: May the witness be excused?

7 THE PRESIDENT: He is excused on the usual
8 terms.

9 (Whereupon, the witness was excused.)

10 - - -

11 MR. MATTICE: We offer next, if the Tribunal
12 please, defense document 2708, which is the affidavit
13 of OGAWA, Sekijiro.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document No.
16 2708 will receive exhibit No. 3400.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 3400 and received in evidence.)

20 MR. MATTICE: I will read exhibit No. 3400,
21 omitting the caption, beginning at the paragraph
22 numbered 1:
23

24 "1. I was ordered to become Chief of Legal
25 Affairs Section of the Tenth Army (Commanding General
was Lieutenant-General YANAGAWA) about the end of

1 September, 1937..."

2 I am informed that the name of the month
3 should be October instead of September, and if the
4 witness had been on the stand, he would have so
5 corrected it.

6 "... landed on the northern coast of Hang-
7 chow Bay, took part in the battle of Nanking, was
8 attached to the Central China Area Army on 4 January
9 of the following year and became under the direct
10 control of the Commander MATSUI.

11 "2. The Tenth Army, immediately after land-
12 ing on the shores of Hangchow Bay, come under the
13 command of the Central China Area Army. Commander
14 MATSUI gave us instructions to apply the law strictly
15 in order to protect Chinese law-abiding citizens and
16 to defend foreign interests as well as, of course, to
17 observe strict military discipline and public morals.
18

19 "3. Before I came to Nanking, I dealt with
20 about twenty cases of offenses on military discipline
21 and public morals. In the course of my dealing with
22 crimes on public morals, I found it very difficult to
23 decide whether the cases were fornication or violation.
24 The reason was that it not not rare on the part of
25 the Chinese women to take a suggestive attitude to-
wards Japanese soldiers, and when they were found as

1 having committed adultery with Japanese soldiers by
2 their husbands or other people, they suddenly changed
3 their attitude and asserted exaggeratedly that they
4 had been raped. Whether adultery or rape, however,
5 I punished inditees in accordance with the law,
6 weighing the relative importance of the facts. Those
7 who took intimidation steps, I punished severely.

8 "4. I entered Nanking about noon on 14
9 December and in the afternoon inspected the garrison
10 area of the Tenth Army (southern part of Nanking).

11 "At that time I saw only six or seven
12 corpses of Chinese soldiers and no other. The Tenth
13 Army evacuated Nanking on 19 December and switched
14 to the Hangchow operations. During my stay in Nan-
15 king, I neither heard any rumors of illegal conduct
16 of the Japanese soldiers nor were there any indict-
17 ments for illegalities. The Japanese Army remained
18 on a operationed basis, and military discipline was
19 strictly maintained. Never did I, of course, receive
20 orders to do or approve illegal conducts from senior
21 officers, much less from Commander in Chief MATSUI.

22 "5. The Japanese Military Police also
23 strictly observed the orders from Commander in Chief
24 MATSUI and kept strict watch and control. Illegal
25 conducts of the Japanese soldiers were very strictly

1 controlled. For example, Lieutenant Colonel KAMISAGO
2 (Military Police) made a protest of my being too
3 lenient in a case which I had personally investigated
4 thoroughly and announced as not for prosecution,
5 because of its minor offense.

6 "6. On 4 January 1938, when I met General
7 MATSUI at the Headquarters in Shanghai, the General
8 said laying much stress, "Judgment of crimes shall
9 be fair and strict." I faithfully followed his
10 advice and discharged my duties very strictly.

11 "On this 6th day of October, 1947."

12 It is signed by OGAWA, the affiant.

13 We now call the witness SAKAKIBARA.
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1 K A Z U E S A K A K I B A R A, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. MATTICE:

6 Q You may give your name and address to the Tri-
7 bunal, please.

8 A My name is SAKAKIBARA, Kazue, and my address is
9 No. 42 Honshio-cho, Shinjuku-ku, Tokyo.

10 MR. MATTICE: May the witness be shown defense
11 document 2237?

12 (Whereupon, a document was handed
13 to the witness.)

14 Q Will you look at the instrument that has been
15 handed to you and tell this Tribunal whether that is
16 your affidavit?

17 A This is my affidavit.

18 Q Are the matters and things stated therein
19 true?

20 A The contents are entirely true and correct.

21 MR. MATTICE: I offer it in evidence, if the
22 Tribunal please.

23 THE PRESIDENT: Admitted on the usual terms.
24 CLERK OF THE COURT: Defense document 2237
25 will receive exhibit No. 3401.

1 (Whereupon, the document above re-
2 referred to was marked defense exhibit No.
3 3401 and received in evidence.)

4 MR. MATTICE: I will now read exhibit 3401,
5 omitting the caption, and beginning with the section
6 denominated with the figure 1:

7 "1. I was formerly Colonel of the Army and am
8 now Chief of the Personnel Section, First Demobilization
9 Bureau.

10 "2. I was nominated staff officer of the
11 Expeditionary Force to Shanghai when it was organized
12 in August of 1937 (12th year of Showa) and was ordered
13 to take charge of logistics of the Force. Landing at
14 Woosung on the 23rd of August, I transacted supply of
15 ammunition in the first stage, but when our army
16 entered into Nanking I was concerned with transport
17 business, and returned to Japan, receiving the order on
18 the 23rd of January of the following year.

19 "3. I am well acquainted with the plan of
20 operation held by General MATSUI as I had always re-
21 ceived his orders directly and been consulted by him
22 in the headquarters since the Expeditionary Force to
23 Shanghai was organized.

24 "4. As the Expeditionary Force was organized
25 suddenly, with no preparations and plan, it was decided

1 (Whereupon, the document above re-
2 referred to was marked defense exhibit No.
3 3401 and received in evidence.)

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14 Woosung on the 23rd of August, I transacted supply of
15 ammunition in the first stage, but when our army
16 entered into Nanking I was concerned with transport
17 business, and returned to Japan, receiving the order on
18 the 23rd of January of the following year.

19 "3. I am well acquainted with the plan of
20 operation held by General MATSUI as I had always re-
21 ceived his orders directly and been consulted by him
22 in the headquarters since the Expeditionary Force to
23 Shanghai was organized.

24 "4. As the Expeditionary Force was organized
25 suddenly, with no preparations and plan, it was decided

1 that without waiting for completion of organization of
2 the whole force the units which had completed mobiliza-
3 tion should be sent one after another to the front to
4 be in time for rescuing the naval landing party which
5 had been fighting under great difficulty in Shanghai
6 area. This detachment consisted of four battalions of
7 infantry and two batteries of artillery, totaling 5,000
8 of men of the 3rd division and four battalions of infan-
9 try and two batteries of artillery, 5,000 of men of the
10 11th division, and eight pieces of gun, but owing to
11 shortage of preparative ammunition, they could carry
12 only 400 rounds per gun, totaling 3,200 rounds.

13 "5. The strength being so small as has been
14 described above, we fought the battle against heavy
15 odds, though we were gradually reinforced later, so
16 General MATSUI's landing delayed about two weeks. More-
17 over, owing to the spread of epidemics, such as cholera,
18 dysentery, and so forth, we changed the whole Paoshan-
19 chen into a quarantine hospital to receive patients
20 there.

22 "Though these epidemics were precluded in
23 October, our fighting power showed sometimes a marked
24 fall in consequence. Moreover, the battle had been
25 fought under great difficulty from want of ammunition
and provisions. I think these difficulties above stated

1 were caused absolutely by the want of preparation for
2 the military operations in this district and by the
3 consequence of the gradual use of forces according to
4 the principle of not expanding the case.

5 "6. The Expeditionary Force to Shanghai, too,
6 had sometimes requisitioned munitions in the occupied
7 area according to the formalities established in the
8 Field Service Regulations.

9 "Requisition is always executed by the carrying
10 money chest, the plan being mapped out by the account
11 officer in the battalion, and the smaller unit than a
12 battalion or each individual is strictly prohibited to
13 to do it without permission. It is a matter of course
14 to pay a compensation when the requisition is executed.

15 "7. We were embarrassed in executing the
16 requisition in occupied areas between Shanghai and
17 Nanking where neither inhabitants nor administrative
18 authorities to negotiate with had not remained.

19 "In such cases we had inevitably to use the
20 commodities to be requisitioned without personal con-
21 sent of the possessors, and we used to put up a poster
22 on which the kind and amount of the goods requisitioned
23 were described, so that the possessors might be informed
24 of the fact and come to the headquarters to receive their
25 compensation.

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2 the military operations in this district and by the
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5 "6. The Expeditionary Force to Shanghai, too,
6 had sometimes requisitioned munitions in the occupied
7 area according to the formalities established in the
8 Field Service Regulations.

9 "Requisition is always executed by the carrying
10 money chest, the plan being mapped out by the account
11 officer in the battalion, and the smaller unit than a
12 battalion or each individual is strictly prohibited to
13 to do it without permission. It is a matter of course
14 to pay a compensation when the requisition is executed.

15 "7. We were embarrassed in executing the
16 requisition in occupied areas between Shanghai and
17 Nanking where neither inhabitants nor administrative
18 authorities to negotiate with had not remained.

19 "In such cases we had inevitably to use the
20 commodities to be requisitioned without personal con-
21 sent of the possessors, and we used to put up a poster
22 on which the kind and amount of the goods requisitioned
23 were described, so that the possessors might be informed
24 of the fact and come to the headquarters to receive their
25 compensation.

1 "I actually witnessed such process being taken
2 for the rice warehouses at Wuhsi.

3 "8. Whenever the owners or the administrative
4 authorities remained in the occupied area, we negotiated
5 with them to ask their consent and got the commodities
6 requisitioned smoothly after paying equivalent to them.

7 "Many times I acted in that manner, notably, I
8 remember, the case in landing operation at Painaokiang,
9 where the village head remained to take administrative
10 responsibility. I negotiated with him and got supply
11 of provisions and forage. As we paid reasonable com-
12 pensation for this and as we took measure to protect
13 inhabitants remaining in that place, the village head
14 thanked us for the orderly action of our troops and gave
15 us a cordial reception.

16 "At Chanshu, too, there were cases like that.
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1 "9. Furthermore, I directed in many
2 places, by means of my autographed notice-boards,
3 safeguard of the inhabitants and prohibition of loot-
4 ing in many other places. I took all those measures
5 above stated in accordance with the intention of
6 General MATSUI. Nobody remaining to take administra-
7 tive responsibility, personal negotiation was im-
8 possible in Nanking. Consequently it is conjectured
9 that our troops executed requisition according to the
10 convenient measures stated above. As for requisition
11 from the refugee quarter in the city, I have never
12 heard about it.

13 "10. Both troops of Chinese and Japanese
14 practised incendiarism in the front as a tactical
15 method. That which was practised by Chinese troops
16 prior to their retreat caused considerable damage in
17 various places which hindered our advance or the relief
18 and pacification after occupation.

19 "There had been fires before our occupation
20 of Nanking, but no conflagration after the fall of
21 the city. So far as I know only the small part of the
22 city was burnt, the greater part of it being safe
23 from fire. It is clear, if we glance at the spot, that
24 the neighbourhood of Fushibyō (Confucius Temple) as
25 well as other central places remain as it is before the

1 battle. The part which was burnt was very small
2 compared with that of Tokyo.

3 "11. I saw that the buildings of the Foreign
4 Affairs Department and the Military and Navy Department
5 were used as a hospital for the wounded and the sick
6 Chinese.

7 "However, the medical equipment was in-
8 sufficient and the reception of the patients seemed to
9 be difficult. There cannot have been any massacre
10 there. On the contrary, we gave them rice and medical
11 supplies.

12 "Do what we might, they never recovered, it
13 seems, and died, as most of them were in serious condi-
14 tion.

15 "12. We scarcely captured war prisoners
16 before entry to Nanking, and I was told that our troops
17 captured approximately 4,000 in the vicinity of Nanking,
18 one-half of whom were sent to Shanghai and the rest
19 detained in Nanking.

20 "Though I saw several of them were employed
21 for common labour, I never maltreated them, dismissing
22 them when their duties were over.

23 "A certain Liu of Szechsien is an actual case
24 whom I so dismissed. The treatment of prisoners can
25 be ascertained by hearing him. Decampment and theft

1 were frequently committed by war prisoners and I
2 suppose the latter crime was duly punished according
3 to law, but the former crime, as I understood it, was
4 let alone without punishment.

5 "13. In official written orders, 'nominated
6 to ...' means that the personnel nominated to is in-
7 stalled in the fixed position within the full strength
8 of officials, but 'appointed ... irregularly' means
9 that the personnel appointed has no fixed post without
10 the full strength of officials and he is an official
11 without portfolio. In the curriculum vitae of General
12 MATSUI 'appointed to attach the General Staff Office
13 (dated 21 December of 3rd year of Showa)' means that
14 he was installed in the General Staff Office as an
15 official, but had no fixed post. (He was then travelling
16 through Europe)"

17 It is signed by the deponent.

18 You may cross-examine.

19 BRIGADIER NOLAN: There will be no cross-
20 examination.

21 MR. MATTICE: I desire to ask this witness
22 one omitted question, if I may.

23 THE PRESIDENT: You have our permission.

24 Q Mr. SAKAKIBARA, at the time of the military
25 action at Nanking where was General MATSUI's headquarters?

1 A About the time of the capture of Nanking,
2 that is, about the 10th of December, 1937, the
3 headquarters of General MATSUI was located in Soochow.
4 Soochow is located about forty miles east of Nanking.

5 Correction: One hundred forty miles east of
6 Nanking.

7 On the 13th of December General MATSUI was
8 in Soochow, and on the 15th he advanced to the Tang-
9 Shuichen area. On the 17th of December General
10 MATSUI entered Nanking, and on the 21st he went to Shang-
11 hai by destroyer from Nanking.

12 Q Were you with General MATSUI at the time he
13 was at his headquarters at Soochow immediately before
14 proceeding to Nanking?

15 A I was not with him.

16 Q Was General MATSUI at Nanking at the time the
17 city fell?

18 A No, he was not in Nanking. He was, as I
19 have already stated, in Soochow. No, he was not in
20 Nanking at the time. He was, as I have stated before,
21 in Soochow.

22 THE PRESIDENT: We will recess for fifteen
23 minutes.

24 (Whereupon, at 1045, a recess was
25 taken until 1100, after which the proceedings
 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Mattice.

4 MR. MATTICE: One additional question.

5 Q Do you know why General MATSUI was not at
6 Nanking at the time of the military action there and
7 the fall of the city?

8 A I do.

9 Q Why was he not there?

10 A It was because it was proper at the time to
11 establish the headquarters, General MATSUI's head-
12 quarters, at Soochow in order to command appropriately
13 both the Shanghai Expeditionary Force and the 10th
14 army; and, furthermore, on the 13th of December, on
15 the day of the fall of the city of Nanking, General
16 MATSUI was sick and was on that account, as I under-
17 stand, unable to be in the front lines.

18 MR. MATTICE: That is all.

19 THE PRESIDENT: Brigadier Nolan.

20 BRIGADIER NOLAN: May I ask one question,
21 if you please, sir?

22 CROSS-EXAMINATION

23 BY BRIGADIER NOLAN:

24 Q You told us that on the 10th of December the
25 headquarters of General MATSUI were at Soochow and that

on the 15th of December they moved to another area.
What is the name of that area which I did not catch?

A He was in Soochow -- I shall repeat again:
He was in Soochow on the 13th of December and at
Tangshuichen on the 15th of December.

Q And how far is Tangshuichen from Nanking?

A About ten Japanese ri.

Q Do you know what that is in English miles?

A I think approximately twenty-five miles.

BRIGADIER NOLAN: That is all.

MR. MATTICE: May this witness be excused?

THE PRESIDENT: He is excused on the usual
terms.

(Whereupon, the witness was excused.)

MR. MATTICE: Next we offer defense document
No. 1371. This document is a photograph of a bulletin
posted on the wall of the Chinchuan Temple located at
Chinkiang by a staff officer of the Shanghai Expedi-
tionary Force as ordered by Commander MATSUI.

This is evidence that General MATSUI exerted
his efforts to maintain the military discipline and
morals of his officers and men and to prevent any
outrageous actions by them.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1371

1 will receive exhibit No. 3402.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3402 and received in evidence.)

5 MR. MATTICE: The exhibit consists of a
6 photostatic copy of the placard, the translation of
7 which reads and it is very brief: "Do not set fire
8 to this temple. Do not loot this temple."

9 I will read it again: "Do not set fire to
10 this temple. Do not loot this temple. Give protec-
11 tion to priests in this temple. December 1937.
12 Army Headquarters."

13 We next call the witness SHIMONAKA, who will
14 be examined by Mr. ITO.

15 - - -

16 Y A S A B U R O S H I M O N A K A, called as a
17 witness on behalf of the defense, being first
18 duly sworn, testified through Japanese inter-
19 preters as follows:

20 DIRECT EXAMINATION

21 BY MR. ITO:

22 Q Mr. Witness, please give your name and
23 address.

24 A My name is SHIMONAKA, Yasaburo; my address:
25 No. 229 Saginomiya, 1-chome, Nakano-ku, Tokyo.

1 MR. ITO: May the witness be shown defense
2 document 2235?

3 Q Please examine the document and say whether
4 that is your signed affidavit.

5 A Yes.

6 Q Are the contents thereof true and correct?

7 A Yes, as you say.

8 MR. ITO: I now tender in evidence defense
9 document 2235.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 2235
12 will receive exhibit No. 3403.

13 (Whereupon, the document above referred
14 to was marked defense exhibit No. 3403 and
15 received in evidence.)

16 MR. ITO: I shall now read court exhibit
17 3403; reading from paragraph 2:

18 "2. I established the Greater Asia Associa-
19 tion with General MATSUI in 1933, and I was a chief
20 secretary of the director of that association until
21 the time of its dissolution in 1941.

22 "3. General MATSUI delivered an address at
23 the conference of the establishment of the Greater
24 Asia Association. In his speech there was the following
25 account: When General MATSUI went to Geneva as

1 military delegate for the Disarmament Conference
2 which was held there in 1931, Mr. Wellington Koo,
3 Chinese delegate, frequently attacked Japan at the
4 table of that conference, and Japanese delegates also
5 made active replies. Notwithstanding the fact that
6 China and Japan had been brother countries from
7 olden times, they were quarrelling against each other
8 before all the eyes of the Whites which were strongly
9 fixed upon them. That was indeed so shameful a sight
10 that he could not keep his eyes open. He thought that
11 this would not do at all, he wished for that reason to
12 exert himself to the best of his power for bringing
13 about a better feeling between China and Japan soon
14 after returning to Japan.

15 "I had separately organized a body of
16 investigation called the Oriental Society for
17 Researches and Investigations at that time, but when
18 I listened to General MATSUI's opinion, I agreed with
19 him entirely. And this is the reason why I resolved
20 to establish the Greater Asia Association in good
21 cooperation with him.

22 "4. General MATSUI attempted to establish
23 that association without resigning his present post.
24 This was not welcomed by the military authorities,
25 and some of them seemed to go so far as to propose him

1 to check this establishment. But General MATSUI
2 did not discontinue the work of the already estab-
3 lished Greater Asia Association, saying that as for
4 things concerning China and Japan, he had been much
5 interested and, in addition, he had made special
6 studies since his young days, and that he had a
7 firm belief for the reconciliation between China
8 and Japan. Hereupon, the two War Ministers, ARAKI
9 and HAYASHI, came to decide to approve his under-
10 taking on the condition that the Greater Asia move-
11 ment would act purely within the limit of an in-
12 struction movement for thought, namely, no political
13 movement would be started. Thus the establishment
14 of the Greater Asia Association was recognized. Such
15 being the case, this association behaved to fulfill
16 the condition of the above-mentioned approval and
17 never took an action which bring about a political
18 influence and remained faithful as a body where the
19 genuine thought instructions concerning Sino-Japanese
20 questions were investigated and studied among members
21 themselves.
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1 "5. The contents of the work of the Greater
2 Asia Association were the opening of the meeting for
3 investigations and researches, and issuing organ
4 magazines (on the Greater Asia Principle). The con-
5 crete contents of the meeting was that when noted per-
6 sons returned home from various places in the world,
7 that meeting used to be held and various states of
8 affairs of foreign countries would chiefly be listened
9 to, and familiar talks would be given in connection
10 with that matter; in other words, it was nothing but
11 the meeting of listening to talks given. No special
12 research orgⁿ, however, was established for conducting
13 systematic and positive investigations. Therefore,
14 when suitable persons did not come, the meeting was not
15 held even for a period of three or four months. The
16 private school for developing Asia was also contem-
17 plated, but it was not realized owing to want of funds.

18 "6. The expenditure for the establishment
19 of the Greater Asia Association depended upon private
20 funds, and never asked for the assistances of the
21 government or other public bodies. Namely, the expen-
22 diture for its establishment was chiefly depended upon
23 ten thousand yen which was the remaining money saved
24 by General MATSUI personally from his travelling expenses
25 to Geneva, and it was started with the contributions

1 of all the interested members and persons as its basis
2 fund.

3 "7. The Greater Asia Association, in short,
4 had the object of carrying out Dr. Sun Yat-sen's
5 Greater Asia Principle as its guiding spirit, and was
6 to instruct the peoples based upon the following
7 articles:

8 "(1) Blood is thicker than water; China and
9 Japan are brother countries.

10 "(2) Asia would be saved if China and Japan
11 should cooperate with each other.

12 "(3) Asia is the mother of the world civili-
13 zation.

14 "(4) Moral civilization of Asia will be able
15 to save the world.

16 "(5) However, there are very few independent
17 states in Asia. It is simply because China and Japan
18 are at variance and struggling against each other.

19 "8. The magazine was monthly issued, as many
20 as about two thousand copies, and these were distributed
21 among the members of association only. Therefore,
22 the people in general could not be instructed by them.

23 "The ordinary expenditure of the association
24 was from twenty thousand to twenty-five thousand yen
25 per annum, which consisted of the salaries of clerks

1 and the expenses for printing. And these were managed
2 by means of the subscriptions of the members, the sales
3 of the magazines, and the contributions of members or
4 persons interested.

5 "9. While and after General MATSUI was the
6 Commander of Formosan Army, the association was scarcely
7 on the move, could not be so active as it had been
8 hoped for, because of the shortage of fund and of the
9 dislike of the military authorities. Even after
10 General MATSUI became a councillor of the cabinet, no
11 positive acts could be taken even in the least.

12 "10. The system for the cabinet councillors
13 aimed at the solution of the China Incident. But
14 according to General MATSUI's impression, it was only
15 the conference of listening to the reports, and it was
16 quite nonsensical for him, as he was not demanded to
17 suggest a plan, nor were his plans adopted even when
18 some suggestions were given to them. I remember that
19 he accordingly resigned his post before long.

20
21 "11. General MATSUI visited North China in
22 1936, and discussed the Greater Asia Principle with
23 all the interested Chinese people there. With this
24 conference as a turning point, the Chinese Greater Asia
25 Association was established at Tientsin in December
of the same year by the influential wise men in the

1 political, business, and literary circles in North
2 China. Generals Sung Che-yuan, Hau Fu-chu, and
3 others also became its supporters. The Chinese
4 Greater Asia Association, however, was not a branch
5 department of the Japanese Greater Asia Association,
6 but an independent body, and it has been the one the
7 object of which was to realize the Asia for the
8 Asiatics by China and Japan in complete cooperation
9 between the two.

10 "12. In his speech at the farewell meeting
11 which was held in honor of him when he became the
12 Commander of the Expeditionary Forces in Shanghai,
13 General MATSUI said, 'I am going to the front in the
14 state of mind that to pacify the brother rather than
15 to fight the enemy. I had known China and had had
16 many Chinese friends since my young days.' At that
17 time, the military authorities also had the non-
18 aggravation policy, and the General Staff Office gave
19 only two divisions to General MATSUI. And I heard
20 that General MATSUI demanded five divisions to the
21 General Staff Office in order to conclude the war as
22 quickly as possible by means of the 'lightning war,'
23 but this was not realized. The foreign magazines
24 looked as if they had seen through Japan concerning
25 her weak-kneed policy, saying that General MATSUI

1 proceeded to Shanghai with two divisions of old soldiers.

2 "13. In 1941 the Japanese Government
3 completely annexed a great number of researches and
4 investigation bodies for the cultures in general, such
5 as Oriental religions, morals, and attainments, for
6 politics and economies, etc., and bodies for guiding
7 public opinion concerning Oriental questions; made up
8 one body which was named the Japanese Asia Development
9 League; and thus attempted to control the Asia Develop-
10 ment movement by it. The Greater Asia Association
11 was also amalgamated into this Japanese Asia Develop-
12 ment League, the organic of the association was made
13 to discontinue its publication, all the records were
14 transferred from the association to the Asia Development
15 League, and General MATSUI was recommended for a staff
16 of that league.

17 "A great many members of the league and all
18 sorts of undertakings were brought together at random
19 by the Asia Development League. But as they were only
20 a medley of the good and bad, their perfect control
21 and arrangement were quite impossible. Therefore,
22 they did nothing but repeat the changes of system, and
23 were not able to be engaged in any actions of great
24 significance.

25 "14. Not long after that, General MATSUI

1 resigned his post, and retired to Atami, where he was
2 a keeper of the Kannon (merciful goddess) temple, and
3 offered up prayers for the repose of all the Chinese
4 and Japanese souls who were killed at various battle-
5 fields in China. But sometimes he at the request of
6 people there gave lectures on the Great Asia Principle.
7 I often accompanied him and listened to his lectures.
8 He chiefly spoke to the effect that the key to the
9 solution of the incident lay on the reflection of the
10 Japanese.

11 "General MATSUI loved China and the Chinese,
12 and he said that in order to save Asia, China and
13 Japan should rise up hand in hand with each other.

14 "On this 27th day of January, 1947, at Tokyo."

15 You may cross-examine.

16 THE PRESIDENT: Brigadier Nolan.

17 BRIGADIER NOLAN: There will be no cross-
18 examination.

19 MR. ITO: May the witness be excused on the
20 usual terms?

21 THE PRESIDENT: He is excused accordingly.

22 (Whereupon, the witness was excused.)
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1 MR. ITO: We next offer in evidence
2 defense document No. 128. This document is the
3 address delivered by San Yat-sen, father of the
4 Chinese Republic, at Kobe in the 13th year of the
5 Chinese Republic, under the title of "The Principle
6 of Greater Asia."

7 MATSUI, Iwane, who responded to the afore-
8 said address, founded the Great Asia Association and
9 came to champion the said principle. Accordingly,
10 we shall present the document for the purpose of
11 clarifying the intrinsic nature and purports of the
12 Great Asia Principle advocated by MATSUI.

13 THE PRESIDENT: Brigadier Nolan.

14 BRIGADIER NOLAN: May it please the Tribunal,
15 defense document 128 is objected to by the prosecu-
16 tion. It was originally offered in evidence in the
17 general phase on the 10th of March of this year and
18 rejected at page 18,030 of the record.

19 It is a speech delivered in the year 1924
20 and relates to conditions alleged to have existed
21 thirty years before that. It describes public opinion
22 as the speaker observed it at the time of the Russo-
23 Japanese War and refers to independent movements in
24 certain named countries. It comments upon a book
25 published by an unnamed American scholar with regard

1 to the rights of the colored race and concludes with
2 a comparison of Eastern and Western culture.

3 As a Member of the Tribunal put it through
4 the President at the time of the rejection at page
5 18,030: "The Court is concerned with actions and
6 conduct, not the words with which they were referred
7 to."

8 It is submitted that if it was not admis-
9 sible in the general phase, so much the more is it
10 inadmissible in an individual phase. We submit that
11 it is irrelevant and has no possible connection with
12 any issue raised in the case and should not be re-
13 ceived by the Tribunal.

14 THE PRESIDENT: Yes.

15 MR. ITO: The prosecution has just said that,
16 inasmuch as it was rejected in the general phase, it
17 should be rejected in the individual phase. However,
18 I am not necessarily of that opinion. I believe it
19 is possible that, although it may be inappropriate in
20 the general phase, it may be appropriate in the indi-
21 vidual phase. I maintain that, inasmuch as the ac-
22 cused MATSUI advocated the Great Asia Principle, that
23 his principle was in response to the Great Asia Prin-
24 ciple of Sun Yat-sen. In other words, Sun Yat-sen
25 was the foundation and MATSUI's principle was the

echo.

1 Sun Yat-sen was the origin of the principle,
2 and MATSUI was the echo.

3 Inasmuch as MATSUI has been accused on ac-
4 count of his having advocated the Great Asia Prin-
5 ciple, I believe it will be of assistance to the
6 Court if the fundamentals and the contents of that
7 principle are made clear.

8 THE MONITOR: Correction: In view of the
9 fact that the accused MATSUI has been charged for
10 a crime, that is to say, of advocating the Greater
11 Asia Principle, and evidence has been submitted by the
12 prosecution in support of that charge, I firmly be-
13 lieve that it would be of assistance to this Tribunal
14 to know and understand the true nature and substance
15 and contents of the Greater Asia Principle.

16 Inasmuch as MATSUI's Greater Asia Principle
17 is the echo of that of Sun Yat-sen, it becomes necessary
18 to explain and make clear the contents and substance
19 of the principle advocated by Sun Yat-sen in order to
20 clarify what MATSUI advocated.

21 The defense agrees, as the prosecution has
22 pointed out, that in this document many irrelevant
23 things have been mentioned because of the long passage
24 of time since the speech was delivered. I should like
25

1 to omit those irrelevant parts and read some excerpts
2 concerning the more important points.

3 THE PRESIDENT: Now, he isn't charged with
4 the crime of being a member of that society, although
5 particulars of his association with that society are
6 given in the appendix to the Indictment. It is for
7 the prosecution to show that something criminal was
8 done or advocated by that society. You meet that
9 by showing just what the society was formed to do and
10 what it did. What Sun Yat-sen said twenty-three
11 years ago about something that happened thirty years
12 before that is hardly relevant. It is too remote,
13 isn't, or immaterial?

14 MR. ITO: In spite of the President's words,
15 I wish to point out that Sun Yat-sen was concerned
16 with tens of centuries, and I should first like to
17 state that Dr. Sun Yat-sen's speech treats of culture
18 existing several thousands of years ago and about
19 eastern and western culture of the past several hun-
20 dred years. And the example of the Russo-Japanese
21 War which Brigadier Nolan pointed out is only one of
22 the minor points given as an example. To put simply
23 what Dr. Sun Yat-sen advocated would be as follows:

24 The Kingly Way existing in the East from
25 ancient times should be followed, and Japanese-Chinese

1 cooperation should be the central motivating power.
2 The peoples of the East should be liberated and should
3 constitute independent and free nations.

4 THE PRESIDENT: That particular society,
5 the Greater East Asia Society, may have advocated
6 things which were quite innocent. We are not inves-
7 tigating those. I think we have heard enough. You
8 may add a few words, but there is a limit to the time
9 that can be spent on these motions or objections,
10 even in reply to them.

11 MR. ITO: I understand, sir. I await the
12 ruling of the Court.

13 THE PRESIDENT: By a majority, the Court
14 upholds the objection and rejects the document.

15 MR. ITO: I now call as a witness NAKATANI,
16 Takayo.

1 T A K E Y O N A K A T A N I, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

DIRECT EXAMINATION

4 BY MR. ITO:

5 Q Mr. NAKATANI, please state your name and
6 address.
7

8 A My name is NAKATANI, Takeyo; my address,
9 No. 783, Daiba, 1-chome, Setagaya-ku, Tokyo.

10 MR. ITO: May the witness be shown defense
11 document 2236?

12 (Whereupon, a document was handed
13 to the witness.)

14 Q Mr. Witness, please examine the document
15 and state whether that is your signed affidavit.

16 A This is my affidavit.

17 Q Are the contents thereof true and correct?
18

19 A Yes.

20 MR. ITO: I now tender in evidence defense
21 document 2236.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 2236
24 will receive exhibit No. 3404.

25 (Whereupon, the document above
referred to was marked defense exhibit

No. 3404 and received in evidence.)

1 MR. ITO: I now read exhibit 3404, reading
2 from paragraph 2:

3 "2. I had been a standing trustee of the
4 Great Asiatic Society from March 1933 to June 1941,
5 and had also been the nominal editor and publisher
6 of the 'Pan-Asianism,' organ magazine published by
7 that society.
8

9 "3. I hereby affirm that the annual bulle-
10 tin of the Great Asiatic Society published on April
11 25, 1940 was edited and published in my name, with
12 the materials collected by the business section of
13 the society.

14 "4. I hereby affirm that an article with
15 the title of 'Prospectus for Foundation of the Great
16 Asiatic Society,' which appeared in the above 'annual
17 bulletin,' from p. 5 to p. 8, was originally drafted
18 by its Foundation Committee and was decisively pub-
19 lished on March 1, 1933.

20 "5. I hereby affirm that an article with
21 the title of 'Rules of the Great Asiatic Society,'
22 which appeared in the above 'annual bulletin,' from
23 p. 9 to p. 12, was decided by the Foundation Committee
24 in February 1933.
25

"6. I hereby affirm that an article with

1 the title of 'General View of the Enterprises of the
2 Great Asiatic Society in China,' which appeared in
3 the above annual bulletin, from p. 81 to p. 82, was
4 the record made when General MATSUI and I, during our
5 North China trip, heard of the intention of Sung
6 Cheh-yuan and Chin Te-chun, of founding the Great
7 Asiatic Society in China, and conferred with them on
8 liaisioning with that in Japan.

9 "I also hereby affirm that 'the Proclamation
10 of the Great Asiatic Society in China,' part of the
11 above article, was originally written and published
12 by the Chinese, was delivered to the Great Asiatic
13 Society in Japan, and was printed in the organ and
14 the annual bulletin of Pan-Asianism.

15 "On this 7th day of May, 1947.

16 "At Tokyo."

17 Mr. President, I wish to ask one supplementary
18 question.

19 THE PRESIDENT: Do so.

20 Q Mr. Witness, I understand that the Greater
21 Asia Society advocated the collaboration between
22 Japan and China based upon the Greater Asia Principle
23 of Dr. Sun Yat-sen. Now, what was the attitude of
24 General MATSUI and the Greater Asia Society toward the
25 Three Peoples Principle, which is the central doctrine

of Dr. Sun Yat-sen?

A Some explanation would be necessary in replying to that question.

During the course of the China Incident there was rather strong opposition to the San Min Cau-i, that is Three Peoples Principle, both in the government and among the people. Even in the Greater Asia Society there was -- there were two opposing thoughts in connection with the Three Peoples Principle. For instance, Dr. KANOKOGI, a member of the society, was strongly opposed to the Three Peoples Principle; and there were not a few other members who were in favor of the principle.

THE INTERPRETER: Correction. There were not a few among the members who were opposed to the stand taken by Dr. KANOKOGI.

THE MONITOR: There were not a few members of the organization who agreed with the KANOKOGI opinion.

A (continuing) I and a few other members of the society, however, believed that the Three Peoples Principle as advocated by Sun Yat-sen created a sort of a thought system, and contended that unless we members of the society approved of the Three Peoples Principle then we would be running contrary -- that

1 we would be inconsistent with our advocacy of the
2 Greater Asia principle. If we were to approve of it
3 and make the Greater Asia Principle the basis of our
4 society, then it followed that we must approve also
5 of the Three Peoples Principle. That was the conten-
6 tion held by me and a few other members of the society,
7 and this General MATSUI supported.

8 THE PRESIDENT: We will adjourn until
9 half-past one.

10 (Whereupon, at 1200, a recess
11 was taken.)
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1 AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at 1330.4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.6 THE PRESIDENT: With the Tribunal's permis-
7 sion, the accused SHIMADA will be absent from the
8 courtroom for the whole of the afternoon session
9 conferring with his counsel.

10 Counselor ITO.

11 T A K E Y O N A K A T A N I, called as a witness
12 on behalf of the defense, resumed the stand
13 and testified through Japanese interpreters
14 as follows:15 DIRECT EXAMINATION
16

17 BY MR. ITO (Continued):

18 Q Mr. Witness, please continue your reply.

19 A Then I shall continue my testimony with
20 regard to General MATSUI's attitude toward the
21 Three Peoples Principles. With the establishment
22 of the Nanking Regime under the leadership of Mr.
23 Wang Ching-wei around February 1940, and in connec-
24 tion with that establishment the Three Peoples
25 Principles again arose as a realistic question. At
that time there was in the government in connection

1 with the disposition or settlement of the China In-
2 cident, an advisory body called the East Asia Com-
3 mission of which General MATSUI and I were members
4 representing the civilian population or non-
5 governmental groups.

6 In connection with an inquiry addressed by
7 the government to the commission pertaining to the
8 ideological basis for the settlement of the China
9 Incident, the commission recommended the acknowl-
10 edgment of the Three Peoples Principle as the
11 foundation upon which to strengthen collaboration
12 between China and Japan. Within the government
13 itself there was some opposition to the recognition
14 of the Three Peoples Principle at that time. For
15 instance, Lieutenant General YANAGAWA, Director-
16 General of the China Affairs Board, was very strongly
17 opposed to recognizing these principles. In connec-
18 tion with this, the Director of the Political Affairs
19 Bureau of the China Affairs Board, General SUZUKI,
20 the same SUZUKI who is in the accused box, strongly
21 prevailed upon his superior, Director-General YANA-
22 GAWA, to accept the recommendation made by the East
23 Asia Commission which, as I mentioned before, was
24 the advisory organ to the government, resulting in
25 the adoption of the recommendation made by the

1 commission.

2 That is all, sir.

3 MR. ITO: You may cross-examine.

4 BRIGADIER NOLAN: May it please your Honor--

5 THE PRESIDENT: Brigadier Nolan.

6 CROSS-EXAMINATION

7 BY BRIGADIER NOLAN:

8 Q Mr. NAKATANI, you were a standing trustee
9 of the Great Asiatic Society from 1933 to 1941?

10 A Yes, I was.

11 Q And General MATSUI was one of the founders
12 of this society?

13 A Yes, one of many founders.

14 Q What offices did he hold in that society
15 from its beginning in 1933?

16 A In my recollection General MATSUI was during
17 the period 1933 to 1936 one of a number of advisory
18 counselors of the organization. After that General
19 MATSUI became the president of the society.

20 Q And when did he cease to be president?

21 A In my recollection General MATSUI resigned
22 from the Greater Asia Society at the time the society
23 was merged into the East Asia League; that is to say,
24 in Japanese the Koadomei, an auxiliary organization
25 of the Imperial Rule Assistance Association.

1 Q In what year was that?

2 A I think it was around August 1941.

3 Q Now, Mr. NAKATANI, you mention in your affi-
4 davit the organ magazine published by the society
5 and called "Pan Asianism?"

6 A Yes.

7 Q And you were the editor and publisher of
8 that magazine for what period?

9 A I was only nominally the editor and did not
10 actually edit the magazine.

11 Q You were in fact the publisher and did pub-
12 lish the magazine?

13 A The actual publication was handled by the
14 members of the staff, but I was responsible for the
15 publication.

16 Q During what period?

17 A Generally from about 1933 to 1936 I was
18 responsible for the publication of the magazine.
19 But after the latter date I made frequent trips
20 abroad, particularly to China, and did not partici-
21 pate in the publication.

22 Q Did you write for the publication, Mr.
23 NAKATANI?

24 A Yes.

25 Q Did you write editorials or articles, or both?

1 A From time to time I contributed treatises
2 or essays. And I have also written signed editorials,
3 that is, as a preface to the issue.

4 Q And did these editorials reflect the views
5 of the association?

6 A Not necessarily so.

7 Q Did they reflect your views?

8 A There were cases in which only my own per-
9 sonal views were expressed, and in other cases when
10 the views of many of the members were expressed.

11 Q I take it that the society did not publish
12 editorials or articles which ran contrary to the
13 views of the society?

14 A The magazine did not publish similar views
15 only, and frequently views which were contrary to those
16 entertained by a majority of the members were also
17 printed as individual or personal views.

18 Q Were all the contributors to the magazine
19 members of the society?

20 A In some cases members of the society; in
21 some cases articles were contributed by nonmembers.

22 BRIGADIER NOLAN: Now, may the witness be
23 shown IPS document No. 2394.

24 (Whereupon, a document was handed
25 to the witness.)

1 Q What is that document, Mr. NAKATANI?

2 A "Greater Asia Principles." Will you wait
3 just one moment please?

4 THE INTERPRETER: The witness said: "I am
5 prepared, Mr. Prosecutor."

6 Q Is that the magazine to which we have just
7 made reference?

8 A Yes.

9 Q And is it the October 1940 issue of the maga-
10 zine?

11 A Yes.

12 BRIGADIER NOLAN: I ask to have marked for
13 identification the October 1940 issue of the "Dai-
14 Asia-Shugi" magazine.

15 CLERK OF THE COURT: Prosecution document 2394,
16 being the "Dai-/sia-Shugi" magazine, October 1940,
17 will receive exhibit No. 3405 for identification only.

18 (Whereupon, the document above referred
19 to was marked prosecution exhibit 3405 for
20 identification only.)

21 BRIGADIER NOLAN: May the witness be shown,
22 please, exhibit 3405 for identification only?

23 (Whereupon, a document was handed
24 to the witness.)

25 Q Was the first editorial in that issue of the

1 Q What is that document, Mr. NAKATANI?

2 A "Greater Asia Principles." Will you wait
3 just one moment please?

4 THE INTERPRETER: The witness said: "I am
5 prepared, Mr. Prosecutor."

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18 (Whereupon, the document above referred
19 to was marked prosecution exhibit 3405 for
20 identification only.)

21 BRIGADIER NOLAN: May the witness be shown,
22 please, exhibit 3405 for identification only?

23 (Whereupon, a document was handed
24 to the witness.)

25 Q Was the first editorial in that issue of the

1 magazine written by you?

2 A Yes.

3 BRIGADIER NOLAN: I ask to have marked in
4 evidence, or to place in evidence the excerpt from
5 exhibit 3405 which has been marked for identification.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 2394, being an excerpt from exhibit 3405 for identi-
9 fication only, will receive exhibit No. 3405-A.)

10 (Whereupon, the document above re-
11 ferred to was marked prosecution exhibit
12 No. 3405-A and received in evidence.)

13 BRIGADIER NOLAN: I will now read, with the
14 permission of the Tribunal, exhibit 3405-A.

15 "Historical Significance of Advancing
16 Troops into French Indo-China.

17 "Taken from the October issue of the 'Dai-
18 Asia-Shugi'

19 "The Imperial troops have advanced into
20 French Indo-China. We, the Japanese residents in
21 Shanghai, where international tensions are more com-
22 plex, are naturally more deeply impressed by this
23 good news than those who live in the homeland. Both
24 the Chinese and the Occidentals living in the con-
25 cession must have been shocked as they have never been,

1 since the landing of a million Japanese troops in
2 Hang Chow Bay, when they looked up at the ad balloon
3 fluttering high in the autumn sky on the bank of the
4 Whangpoo River, stating 'Japanese troops have ad-
5 vanced into French Indo-China'. Truly, the advance
6 of the Imperial troops in French Indo-China not only
7 opens a new phase in the situation of the Sino-
8 Japanese Incident, but also marks off a turning
9 point in the situation of the whole of East Asia.
10 It may be true, indeed, that this was planned and
11 executed as a way to dispose of the China Incident.
12 However, there is no knowing how great and extensive
13 the significance and the consequences of the Imperial
14 troops' advance into French Indo-China may be. Four
15 years have passed since the Sino-Japanese Incident
16 started, but this is the first time that the Imperial
17 Army has ever taken action in territory outside that
18 of China. This really is the first time since the
19 outbreak of the Sino-Japanese hostilities that the
20 Imperial Army has been able to hoist the glorious
21 colors in a colony which Europeans rule and in terri-
22 tory which European forces defend. We cannot but
23 be extremely satisfied with the fact that the Sino-
24 Japanese conflict, as a war to emancipate Asia, has
25 now at last taken up the real issue.

1 "There is no need to comment on how the
2 French governed in French Indo-China, and in what
3 circumstances the poor Annamese were. We cannot
4 help being impressed by the greatness of the Divine
5 Light when we imagine the natives of French Indo-
6 China overjoyed by the fact that their place too
7 has been favored with the august virtue of His
8 Majesty and preparing foods and drinks to welcome
9 the Imperial troops. And the feeling of the people
10 in French Indo-China immediately reflects that of
11 the people of Burma. French Indo-China and Burma
12 are within hailing distance of each other. Some
13 day in October, the term of prohibiting aid to
14 Chiang Kai-shek through Burma will expire. However,
15 rather than use the above prosaic term it is more
16 elegant and historically truthful to say that within
17 fifty or sixty days the people of Burma will have the
18 opportunity of basking in the august virtue of His
19 Majesty. We feel pity when we consider the motive
20 which drove England and America into trying all
21 possible means to obstruct the advance of the Imperial
22 troops into French Indo-China. When we realize that
23 the advance of troops into French Indo-China was
24 executed in spite of the intrigue, hindrance and
25 intimidation of Britain and America, the historical

1 significance and political merits of advancing into
2 French Indo-China becomes doubly great. Britain was
3 displaying an attitude to threaten the Japanese
4 advance southward by lending the Singapore Naval Base
5 to America and by forming a united military front
6 including America, England, and Australia. The fact
7 that the Imperial Army triumphantly carried out the
8 stationing of troops in French Indo-China in spite
9 of this has a tremendous psychological effect on the
10 Chinese. The impression that although Japan can
11 assert authority over China, she cannot compete with
12 Britain and America, especially with America recently,
13 has immeasurably fostered among the Chinese people
14 the feeling of contempt for the Japanese, thus creat-
15 ing a spiritual obstacle in establishing the New Order
16 in East Asia. The Chinese interpret the numerous
17 disgraceful local events brought about in order not
18 to arouse American nervousness as proof of Japan's
19 inability to stand up against America. It cannot be
20 denied that the Japanese troops' daring advance into
21 French Indo-China in the face of the objections and
22 threats from America has contributed tremendously to
23 straightening out the thinking of these Chinese, and
24 to some extent of the Japanese, too. To Chungking,
25 this psychological shock must have been greater than

1 the loss suffered from the intercepting of trans-
2 portation of materials. There is no need to mention
3 the indirect influences, caused by the advance of
4 the Imperial troops into French Indo-China, upon the
5 trend of ethnic movements in French Indo-China, Siam,
6 Burma and other countries. Thus, the advance of the
7 Imperial troops into French Indo-China, as far as its
8 historical significance goes, means a few steps ad-
9 vance toward the war to liberate Asia. This may not
10 be the actual intention of our authorities. However,
11 this is the way history is always made."

12 Signed, "NAKATANI."

13 That is all I have.

14 THE PRESIDENT: Is there any re-examination?

15 MR. ITO: No, your Honor.

16 May the witness be released under the usual
17 terms?

18 THE PRESIDENT: He is released accordingly.

19 (Whereupon, the witness was
20 excused.)

21 MR. ITO: Next, we offer a book entitled
22 "The Annual Report by the Greater Asiatic Association,"
23 published in April 1940, for identification only.
24

25 CLERK OF THE COURT: The book entitled,
"Annual Report by the Greater Asiatic Association,"

1 published in April 1940, will receive exhibit No.
2 3406 for identification only.

3 (Whereupon, the book above re-
4 ferred to was marked defense exhibit No.
5 3406 for identification.)

6 MR. ITO: "We offer in evidence defense
7 document No. 2234, two excerpts from the book.

8 The first, entitled "Prospectus for the
9 Establishment of the Greater Asiatic Association,"
10 will prove that the Great Asia Doctrine of General
11 MATSUI is purely a cultural movement based on the
12 rule of right (ODO) for the rise of Asia, for friendly
13 relations between China and Japan by peaceful means,
14 and is not a doctrine of aggression with military
15 might.

16 The second, entitled "Brief Outline of the
17 Undertakings by the Headquarters of the Chinese
18 Greater Asiatic Association is a general report of
19 the Headquarters of the Chinese Great Asia Associa-
20 tion. This will prove that the Chinese Great Asia
21 Association was not a branch of the Japanese Great
22 Asia Association, but was an entirely independent
23 organization founded by leading citizens in North
24 China on the Great Asia Doctrine of the late Dr.
25 Sun Yat-sen, and also that the testimony of

1 prosecution witness Chin Te-chun on that association
2 differs from the facts.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 2234
5 will receive exhibit No. 3406-A.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 3406-A and received in evidence.)

9 IIR. ITO: I shall read these documents.

10 "Excerpt from 'The Annual Report of the
11 Greater Asiatic Association.'

12 "Prospectus for the Establishment of the
13 Greater Asiatic Association.

14 "The Manchurian Incident has been causing
15 an epoch-making change and turn in the political
16 circles of the world. The independence of Manchukuo
17 as the latest country in the world is a great wonder
18 in the post-war international political history. And
19 yet, the appearance of independent Manchukuo is
20 nothing but a prelude to the world-historic changes
21 to be occasioned successively.

22 "The autonomy of East Asia must be firmly
23 established next to the independence of Manchuria.
24 The liberty and glory of Asia, mother of civilization,
25 must be restored in quick succession to the founding

1 of a new righteous government. Formerly, Manchuria
2 served as the last defensive fortress in Asia
3 against the European conquest of the world. Now,
4 Manchuria has been strengthened and unified into
5 one nation. The construction work of Pan-Asiatic
6 union and reorganization must be started on the
7 premise of this new Far Eastern situation.

8 "2. Methinks, Asia is clearly one con-
9 solidated body of the same destiny from cultural,
10 political, economical, geographical, and racial
11 standpoints. Real peace, welfare and development of
12 various Asiatic races can be possible only upon the
13 realization of one unity of Asia and all the races'
14 organic unification. Opposition and struggle against
15 each other among the nations of Asia afford the
16 fittest opportunities of interference from the out-
17 side, and only accelerate the heavy oppression for
18 themselves which has been burdened on Asia. In order
19 to root out the opportunities for struggles among
20 one another, and exclude the interference and separa-
21 tion from without, it is absolutely necessary to try
22 to organize and put various Asiatic races, now in
23 broken-up conditions, into one solid unity. To add
24 to this, the broken-up conditions and separation of
25 Asia are not only misfortunes of Asia herself but of

1 the world peace, for they are apt to stimulate the
2 ambition and greed of Europe or America. The estab-
3 lishment of order in Asia through the independent
4 endeavor of Asiatics is truly a prerequisite to the
5 stabilization of world affairs on an unshakable founda-
6 tion.

7 "3. This being so the grave responsibility
8 for the reconstruction of and the establishment of
9 order in East Asia is a task which must be borne on
10 Japan's shoulders. Already, quarter of a century
11 ago we staked our national destiny and brought to
12 naught the great waves of invasion of Asia on the
13 part of the Russian Empire and saved all Asia from
14 the fate of being overthrown and destroyed, thereby
15 affording all the coloured races an opportunity to
16 raise their heads. Now the human history is just
17 at an important turning point after the settlement
18 of the Manchurian Incident. It is time that our
19 Imperial Japan should make further one step towards
20 the reconstruction and consolidation of Asia, enlarg-
21 ing the world-historical significance of Russo-
22 Japanese War and pouring all her cultural, political,
23 economical and organizing power. For it is the only
24 way of spreading our fundamental policy of the Empire
25 all over the Four Seas conforming with our Imperial

1 ideal, to improve the present frame of international
2 relation where Europe alone is playing the part of
3 important character with our power leading the in-
4 dependence and consolidation of various Asiatic races,
5 and to establish a new world order based on the princi-
6 ple of equality of human kinds and equal possession of
7 world resources. The forming of Great East Asia Union
8 is a historical duty to which we are now facing.

9 "4. Considering from the development of
10 international politics, the formation of Great East
11 Asia Union is a natural result. It is an inevitable
12 consequence for human society that various nations
13 which are much alike with one another from the
14 standpoint of zone, culture, and race, wish to form
15 a political and economical union.

16 "On the contrary, it is unnatural and im-
17 possible to step over a racial state to world state.
18 Accordingly, it is an inevitable consequence that
19 the League of Nations, as a pan-world union, which
20 happened to be organized at an opportune time of the
21 First Great War without any maturity of historical
22 factors, should be changed fundamentally by pan-
23 continentalism and pan-racialism. In spite of the
24 serious efforts of signatories, the League of Nations
25 was not only powerless to settle international

1 complications, and to alleviate international struggles,
2 but the efforts themselves to alleviate international
3 struggles proved to give the spur to them. The rea-
4 son lies in the fact that there was something funda-
5 mentally wrong with the League of Nations that,
6 neglecting the above-mentioned development of inter-
7 national politics, took its ground on idealistic
8 cosmopolitanism. The international politics and
9 economy at present and in the future are likely to
10 be managed by intricate oppositions and antagonism
11 among various pan-continental and pan-racial state
12 groups, such as European Union, Asiatic Union,
13 American Union, Soviet Union, and Anglo-Saxon Union.
14 The construction of the new world peace should be
15 based on the condition of coexistence of such various
16 groups.

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1 "Thus the fomration of the Great East Asia
2 Union is not only indispensable to the present Asia,
3 but is also the best and absolute way to secure the
4 real world peace. The reason why we, hereby organize
5 the Greater Asiatic Association, and we will dash on
6 undauntedly to materialize, before long, the Great
7 Asia Union putting all nations in Asia together, by
8 our serious efforts to investigate culture, politics,
9 economy and other matters in all states of Asia, to
10 promote friendly relations between Japan and other
11 states in Asia, and to introduce and spread the
12 Japanese culture to the other nations, is in the
13 fact that we believe this is the best and absolute
14 way indeed to contribute to the progress of human
15 culture and to secure the world peace. We shall deem
16 it a great favour if intelligent circles will kindly
17 approve and help us.

18 "The Organizing Committee of the Greater
19 Asiatic Association.

20 "A BRIEF OUTLINE OF THE UNDERTAKINGS BY THE
21 HEADQUARTERS OF THE CHINESE GREATER ASIATIC ASSOCIATION

22 "...during the year 1936

23 "The visit to North China in November 1935
24 by Councillor MATSUI and Secretary NAKATANI had given
25 rise to the movement, among the leading Chinese both

1 of official and civilian circles, toward establishing
2 the Greater Asiatic Association there. A preparatory
3 commission, therefore, was decided to be formed for
4 the establishment of the Chinese Greater Asiatic
5 Association by those influential members of the
6 political, business and literary circles, and a meet-
7 ing was held by the promoters for its establishment
8 at Hsi-hu Hotel, Ma-chang tao Street, Tientsin City
9 on December 1st of the same year. The following
10 declaration and agreement were passed unanimously;
11 Mr. Li Sheng-to and Mr. Kao Ling-wei were nominated
12 president and vice-president respectively; Messrs.
13 Sung Che-yuan, Han Fu-chu, Chin Te-chun, Hsiao Chen-
14 ying and Cheng Ku were decided to be joined as
15 supporters. Future line of policy, liaison with the
16 Tokyo Greater Asiatic Association etc. were discussed
17 on that occasion.

18 "Declaration of the Chinese Greater Asiatic
19 Association.

20 "In former times, China defended herself by
21 closing her doors to foreigners, aware only of her-
22 self and knowing but little of the world situation.
23 In recent times, traffic and communication have been
24 opened to every corner of the world, numberless
25 countries have been founded and their intercourse and
intercommunication are getting more and more

1 intense. Judging from these facts, China cannot
2 remain obstinately closed to the outer world any
3 longer; considering her present national power, she
4 cannot hope for isolated independence either. It
5 may be said that China has hitherto been enabled to
6 stay within her own boundaries; hereafter China
7 ranks among the world powers. The circumstances
8 having already been changed, there must follow
9 altered national policy to cope with the changed
10 situation. This is why in recent years China has
11 heroically stood firm and rendered service as a
12 member of the international organization. There
13 remains no room for doubt as to this. Nevertheless,
14 during the past sixty years, western powers have
15 gradually shifted their sphere of influence eastward,
16 bringing storm and stress to the Asiatic nations.
17 This is a common knowledge shared by those who are
18 versed in the modern world history. Our Asiatic
19 nations, however, are quite at a loss what to do,
20 ignorant of how to share the fortune and misfortune
21 of one another; they do not try to help one another
22 in order to relieve their hardships. On the contrary,
23 they quarrel among themselves as brothers do to
24 their disadvantage, only to repent bitterly after
25 biting each other in vain. Why do they not unbosom

1 themselves to one another and be united by the tie
2 of common interest? The day has come when each
3 Asiatic nation should be awakened up to the situation.
4 Asia is the Asia for the Asiatics. Such being the
5 circumstances, all Asiatic nations should pledge by
6 all means to be united together for the establishment
7 of firm and concrete foundations in Asia on which
8 they are enabled to stand up and exchange their
9 opinions freely in the pursuit of their common
10 interests. This is what the Asiatics should at
11 once set to work to study and investigate. Of all
12 the nations in Asia, China is large and Japan is
13 strong; these two bear heavy responsibilities upon
14 their shoulders. How lagging the progress is on our
15 part! Japan has already established the Greater
16 Asiatic Association. Can we Chinese nation rest
17 tranquil in a haze? With the sympathy and support
18 of those interested in this matter, we have now
19 established the Chinese Greater Association in
20 Tientsin. Hereby we make our special declaration
21 and make clear the object of our association."

22 Mr. Mattice will continue with the evidence.

23 THE PRESIDENT: Mr. Mattice.

24 MR. MATTICE: I would like to offer in
25 evidence, if the Tribunal please, defense document

1 No. 2500.

2 This is part of a treatise entitled, "The
3 Establishment of Manchuria for Manchurians," which
4 MATSUI, Iwane wrote in the June 1932 issue of
5 "The Great Asia Principle," the organizational
6 publication of the Great Asia Association.

7 by this it will be shown that MATSUI
8 denounced Japanese interference in Manchuria and
9 emphasized that Manchuria should be developed
10 politically as well as economically by Manchurians
11 for Manchurians.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 2500
14 will receive exhibit No. 3407.

15 (Whereupon, the document above re-
16 ferred to was marked defense exhibit No. 3407
17 and received in evidence.)

18 MR. MATTICE: I will now read exhibit No.
19 3407:

20 "EXCERPTS OF THE FIRM ESTABLISHMENT OF
21 'MANCHURIA FOR MANCHURIANS'

22 "Iwane, MATSUI

23 "4th Paragraph

24 "In my opinion, we can never hope for the
25 true collaboration between Japan and Manchoukuo, unless

1 we deal with Manchoukuo in a spirit of broad-mindedness
2 which will accelerate the voluntary and independent
3 development of Manchoukuo. Unless the true collabo-
4 ration between these two countries is soon realized,
5 the administration based upon Greater Asia Principle
6 will come to naught in the end. The Japan-Manchoukuo
7 collaboration does not mean for the Japanese to
8 interfere with Manchoukuo arbitrarily. It means,
9 however, for these two countries to co-operate with
10 each other for the attainment of their common aim
11 with a mutual high regard for its voluntary independence.
12 The more we value its independence, the more strongly
13 united these two countries will be. The completion
14 of administration, the development of industry, or
15 the improvement of culture, and the execution of the
16 foreign policy must be furthered and accelerated by
17 Japanese people's effort for becoming true members
18 of the new Manchoukuo State itself, its same flesh
19 and blood, or its cells. The means of promoting the
20 independent activities of Manchoukuo and Manchurians
21 by narrowing, limiting, or gradually removing the
22 administrative activities which are under the Japanese
23 Empire's direct control and the privileged positions
24 which have been occupied by the Japanese who have
25 not become Manchurians, is to be considered with the

exception of the military matters which have been
provided in the Japan-Manchoukuo protocol. In
short, deep considerations must be given by the
Japanese government and people in regard to the
matter of strengthening and thorough spreading of
the idea 'Manchurians themselves.' Furthermore, it
is needless to say that we do not mean here Manchurians
by the former Chinese. We do not point out, by the
word, Manchurians, only the Manchurian and Mongolian
tribes who have originally resided. We mean by them
the Manchurian subjects who included Japanese,
Koreans, and Russians who have been living in that
country together with the above tribes. The
continental development of the Japanese nation can
be put into effect only after the Japanese residents
there should devote themselves to Manchoukuo as the
true Manchoukuo subjects and also with this country
as their new state of Manchoukuo."

1 I offer in evidence defense document 2625.
2 This is part of a lecture by MATSUI, Iwane, which
3 appeared in the "Great Asia Doctrine," the organ-
4 izational publication of the Great Asia Association.

5 This will prove that the Greater Asia
6 Doctrine which he advocated did not mean to boycott
7 Americans and Europeans from Asia, but that it was a
8 doctrine of East-West brotherhood, stressing peace-
9 ful friendship between them instead of armed aggres-
10 sion.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document No.
13 2625 will receive exhibit No. 3408.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 3408 and received in evidence.)

17 MR. MATTICE: Reading exhibit 3408:

18 "OUR GREATER ASIA PRINCIPLE

19 "IWANE MATSUI

20 "This manuscript represents the gists of
21 lectures made by Councillor MATSUI on Greater Asia
22 Principle at the meetings which were held at various
23 places in Kyushu at the end of May, 1936.

24 "II

25 "On looking back the present situation in

1 Asia, nothing is of more urgent need than the adjust-
2 ment of problems between China and Japan which are
3 considered to be the center of Asia in order to see
4 the establishment of the Asiatic union successfully
5 realized. On the contrary, however, the state of
6 affairs between China and Japan is a very unfortunate
7 one with repeated struggles and continued antagonism
8 between the two. Therefore, the most urgent task
9 for the Asiatic movement of the day is to investigate
10 these causes and to carry out the drastic improve-
11 ment.

12 "In addition, there is something, which I
13 wish to make clear concerning our intentions at
14 this opportunity. It is because our Greater Asia
15 Principle has often been misunderstood on some
16 points by the people in general and I consider it
17 necessary for us to prevent them from misunderstand-
18 ing such points. Firstly, Western peoples have often
19 criticized our movements saying that they are based
20 upon the so-called Oriental Monroe Doctrine. What
21 we call the Greater Asia Principle is, however, never
22 the Oriental Monroe Doctrine. On the contrary, it
23 is an entirely opposite advocacy. It is the West
24 and East brotherhood principle or the world co-
25 existence principle. Furthermore, in these days,

1 such words as the 'Japan-Manchukuo Economic Bloc,'
2 or the 'Sino-Japan-Manchukuo Bloc' have frequently
3 been used by the world people. The Greater Asia
4 Principle too has often been misunderstood as if it
5 were a co-called bloc principle like the above. This
6 however is absolutely never the object of the Greater
7 Asia Principle in which we place our perfect confidence.

8 "In the present situation in the world,
9 people go by the economic bloc principles. Not only
10 in England and America, but also in all other big
11 Powers in the world, people are competing with one
12 another, on the basis of their economic bloc prin-
13 ciple. In order to meet the present situation, we
14 are obliged to take temporarily the means of bloc
15 economy, but this is not what we are aiming at. The
16 economic policy that we are sincerely hoping for is
17 the world co-operative economy or the free economy.

18 "Further I should like to speak out most
19 frankly that our Greater Asia Principle does not
20 necessarily mean the entire expulsion of the
21 Europeans and Americans from all the places in Asia.
22 We pay our respect to the cultural efforts made by
23 Europeans and Americans in Asia for the past century,
24 and we do not wish for the destruction of their
25 present political and economic state of affairs.

1 In other words, all Europeans and Americans who under-
2 stand the culture peculiar to Asia and will sincere-
3 ly co-operate with us for the benefit of the Asiatic
4 race and for the welfare of Asia are, we believe, our
5 true friends or comrades. We require Europeans and
6 Americans to gain this judgment and understanding,
7 and at the same time, strongly wish to urge the
8 original Asiatic peoples to bestir themselves great-
9 ly and in addition to reconsider their resolution to
10 the utmost of their power at this juncture.

11 "VI

12 "Among the countries in the world, there are
13 some countries which were founded by power. There
14 are again some countries which were founded by wealth.
15 As far as Japan is concerned, the same is not true.
16 Japan was founded neither by power nor by wealth.
17 Japan has been in existence solely with justice
18 since the beginning of its foundation. We are aware
19 of the true value of power and wealth for attaining
20 our just objects. We know that from olden times the
21 country which was founded by power has fallen down
22 of itself, and the prosperity obtained by wealth has
23 come to decay in due course of time. As for our
24 country, the Land of Rising Sun which has been ruled
25 by our sun goddess, she constantly keeps her principle

1 constantly unchanged, every day improves and prospers,
2 and stands entirely outside the prosperity and decline
3 of the world. This is due to the brilliancy which
4 has been produced by justice."

5 We desire to call, at this time, the witness
6 OKADA.

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3 of the world. This is due to the brilliancy which
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1 T A K A S H I O K A D A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. MATTICE:

7 Q You may give your name and address to the
8 Tribunal, please.

9 A My name is OKADA, Takashi; my address is
10 Narusawa, Izu-san, Atami, Shizuoka Prefecture.

11 MR. MATTICE: Let the witness be shown
12 defense document 2670, please.

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Will you look at the document which has been
16 handed to you and tell the Tribunal whether that is
17 your affidavit.

18 A This is my affidavit.

19 Q Are the matters and things stated therein
20 true?

21 A Yes.

22 MR. MATTICE: We offer this deposition in
23 evidence, if the Court please.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document No.

2670 will receive exhibit No. 3409.

(Whereupon, the document above
referred to was marked defense exhibit
No. 3409 and received in evidence.)

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1 MR. MATTICE: I read exhibit 3409, omit-
2 ting the caption, beginning at paragraph numbered 1:

3 "(1) I studied the Chinese language and the
4 current history of China at the TOA LOBUN SHOIN (East
5 Asia's Common Language College) and after graduating
6 from the same college I became a lecturer at the
7 Shanghai Political Middle School. Through this
8 career, I have made many friends and acquaintances
9 among important Chinese people.

10 "(2) As my deceased father was an intimate
11 friend of General MATSUI's, I have been well acquaint-
12 ed with the General since my childhood.

13 "Prior to his departure from Tokyo in August,
14 1937, as Commander of the Expeditionary Force to Shang-
15 hai, the General called me to his house at Omori and
16 told me that he wanted to take me to Shanghai to assist
17 in his work as a non-regular official attached to his
18 headquarters. I consented. Concerning my duties, the
19 General said as follows:

20 "'I have been a faithful follower of the
21 late General KAWAKAMI, Soroku, a senior leader of the
22 Japanese Army, and of Dr. Sun Yet-sen, "National
23 Father of China" and have endeavored for the past few
24 decades for the friendship and coalition of Japan and
25 China the sake of emancipation and renovation of Asia.

1 Despite the earnest efforts of mine and my friends,
2 this unhappy Incident has taken place between the two
3 countries, and I am now filled with strange emotion
4 on being appointed quite unexpectedly as Commander of
5 the Expeditionary Force.

6 "The reason for installing an old man like
7 me out of the reserve list into this post of import-
8 ance seems that, instead of aiming at the achievement
9 of glorious military feats, I, with my thorough know-
10 ledge and warm love for China, hoped to settle the
11 Incident absolutely on the non-aggravation principle
12 and at the least possible sacrifice on either side.

13 "It is of course necessary to demand a
14 responsible attitude from the Chinese authorities who
15 have violated the Japanese rights and interests and
16 endangered the lives and property of our residents in
17 Shanghai by all manner of antagonistic and insolent
18 actions against Japan. However, it is a concurrent
19 result of long accumulated causes that has led up to
20 the present open dispute, and both Japan and China
21 should be responsible for that. I am sincerely anxious
22 to have this earnest desire of mine thoroughly under-
23 stood by both nations and open a way for reconciliation
24 with the least possible fighting.

25 "Therefore when you land at Shanghai, it will

1 Despite the earnest efforts of mine and my friends,
2 this unhappy Incident has taken place between the two
3 countries, and I am now filled with strange emotion
4 on being appointed quite unexpectedly as Commander of
5 the Expeditionary Force.

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17 Shanghai by all manner of antagonistic and insolent
18 actions against Japan. However, it is a concurrent
19 result of long accumulated causes that has led up to
20 the present open dispute, and both Japan and China
21 should be responsible for that. I am sincerely anxious
22 to have this earnest desire of mine thoroughly under-
23 stood by both nations and open a way for reconciliation
24 with the least possible fighting.

25 "Therefore when you land at Shanghai, it will

1 be your first duty to get in touch with as many Chinese
2 influentials as possible and tell them that Commander
3 MATSUI never wants to fight with China, that he will
4 see to the safety of their lives, property and all else
5 during the fighting and will endeavor for a prompt
6 solution of the unhappy Incident with the hope that
7 they will render him cooperation and assistance therein.'

8 "The General went on saying: 'If necessary,
9 we could defeat a large enemy with a smaller and
10 poorer equipped force by skilful use of tactics. But
11 that would be only for a military victory and the result
12 in the long run would be disastrous, because forced
13 fighting necessarily requires great sacrifices of human
14 life and undue hostile feelings from the soldiers. It
15 is therefore more desirable to win an immediate and
16 overwhelming victory by using sufficient numbers of
17 well-equipped troops and thereby avoid prolongation of
18 tragic fighting. This is the most effective way to make
19 our non-aggravation principle really work for the
20 immediate restoration of peace.

21 "I have therefore requested our Government
22 to provide me with at least five divisions, but the War
23 Minister has decided that three divisions will be
24 sufficient. I regret the War Minister's lack of know-
25 ledge of the recent conditions in China and cannot help

1 feeling uneasy about the fate of our non-aggravation
2 policy.'

3 "(3) I landed in Shanghai at the end of
4 August when the Incident was at the very initial stage.
5 (Commander MATSUI was then still on board the ship).
6 I at once looked for my Chinese acquaintances in the
7 Concessions in order to communicate to them Commander
8 MATSUI's intention. (I kept communications with the
9 Commander through Mr. HARADA, Kumakichi, Chief of the
10 Special Service Division.) I found opportunities to
11 talk with Mr. Tang Shao-i, a great senior friend of
12 mine and veteran statesman of China, and also with Mr.
13 Li Tse-i, who was well informed of the circumstances of
14 Japan. We talked about and actually worked in concert
15 for the elimination of the distressful Sino-Japanese
16 relations.

17 "I also tried to get in touch with Mr. Tu
18 Yueh-shang, my father's friend, and ask for his help
19 for the preservation of peace and order in Shanghai,
20 which was then an international city, but could not get
21 a chance before his departure for Hongkong.

22 "(4) Accompanying the Army Commander, I went
23 to his headquarters in Soochow on the 6th of December.
24 On his arrival at Soochow, General MATSUI had a note
25 advising the Chinese army to immediate surrender and

1 had bills bearing the same note scattered over the walled
2 city of Nanking from the air on December 9. His pur-
3 pose was to capture the city without bloodshed and with
4 the least possible destruction of the capital. At
5 the same time he took precautions against rash attacks
6 on the city by different army units, each striving to
7 be the first to enter the city and thereby causing
8 unnecessary destruction of the city and aggravation of
9 the suffering of the citizens. So he issued orders
10 on or about December 9, if I remember right, for all
11 the units under his command to stop the general attack
12 and stand in their positions around the city under the
13 issue of further orders. At the same time he gave instruc-
14 tions to the entire army to see to the safe preserve-
15 tion of the Chung-shan Ling (Dr. Sun Yat-sen's tomb)
16 and various cultural establishments in the neighborhood
17 as well as of foreign rights and interests, and also
18 to maintain strict military discipline.

19 "I was suddenly called into the staff-officers'
20 room late at night (about 2:00 A.M.) of December 8 and
21 was made to translate into Chinese a note of the follow-
22 ing purport:
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1 "Your answer to our written advice for sur-
2 render shall be waited for at the sentry line on the
3 Nanking - Chuyang Road outside the Chungshan Gate at
4 noon of December 10. If your army send responsible per-
5 sons representing your Commander in Chief to the ap-
6 pointed place, we are prepared to negotiate with them
7 concerning agreements for the taking over of the city of
8 Nanking. If, however, we do not have your answer by
9 the designated hour, our troops will be obliged to
10 begin attacking the city.'

11 "The above note was written on bills and cast
12 down within the walls of Nanking from the air, together
13 with the other set of bills advising surrender on
14 December 9.

15 "I started from Foochow by car on the morning
16 of December 9, together with C of S TSUKADA and staff
17 officers KIMIHIRA and NAKAYAMA, and on reaching the
18 suburbs of Nanking, we passed the night at a certain
19 unit quarters. On the following day, at 11:00 A. M.
20 we (TSUKADA, KIMIHIRA, NAKAYAMA and I) went to the out-
21 side of Chung-shan Gate and waited there for the
22 arrival of the Chinese parlementaires for two hours until
23 1:00 P.M., but they did not appear after all. So we
24 left there, and immediately after that the order for the
25 general attack was given, if I remember right.

1 "(5) When I entered the city of Nanking with
2 Lieutenant Colonel MURAKAMI soon after its fall on the
3 early morning of December 13, the city seemed to be
4 rather peaceful, considering the fact that it was
5 immediately after the furious battles. What attracted
6 our attention most was the enormous quantity of military
7 uniform and arms left by Chinese soldiers and scattered
8 on the streets. I found people taking refuge in some
9 quarters of the city and took some 50 of them to the
10 Metropolitan Hotel which was to be the Commander's
11 residence and had them help the soldiers of the ad-
12 ministrative department of the headquarters sweep and
13 clean the interior of the hotel. There refugees and
14 other peaceful citizens, who were made to work for our
15 army, received payments from the headquarters and were
16 given sufficient quantity of the remnants of the
17 soldiers' meals. So they worked willingly.

18 "At that time I remember an old man by the name
19 of Sun, about 60 years of age, who spoke some Japanese,
20 coming to our headquarters and the Japanese Consulate
21 and, by our approval, at once organizing a self-governing
22 community.

23 "(6) From December 17 on, the Commander lodged
24 at the Metropolitan Hotel and I was given a room near
25 those of the Commander. A celebration banquet was given

1 on the evening of the 17th, attended by the Commander
2 and the rest of the officers. When, on the following
3 morning, I called on the Commander in his room, he was
4 alone, and looked extremely sad. After a usual morning
5 salutation, I asked him if there had been any unpleasant
6 matter worrying him, because he did not look at all like
7 a general who had captured the enemy's capital after so
8 brilliant a victory. He quietly said, 'I have visited
9 this city of Nanking many times before for the sole
10 purpose of realizing peaceful relations between Japan
11 and China, for which I have hoped and worked for these
12 over 30 years. But I now realize that we have unknow-
13 ingly wrought a most grievous effect on this city. When
14 I think on the feelings and sentiments of many of my
15 Chinese friends who have fled from Nanking and on the
16 future of the two countries, I cannot but feel depressed.
17 I am very lonely and can never get in a mood to rejoice
18 at the victory.'

19 . "I could not help sympathizing with him when he
20 spoke to me in this grave, sorrowful tone. I knew that
21 many of leading officers in the Japanese navy and army
22 had been interested in the study of affairs concerning
23 Europe and America and were apt to despise any study of
24 China, but that General MATSUI had almost singly devoted
25 himself to Chinese questions since his youth and that his

1 promotion to the rank of general because of his merit in
2 his studies of China was indeed an exceptional case. I
3 also knew that there was no other man in the army who
4 had so many friends in China as he did.

5 "I think the feelings and sentiments of the
6 General at that time are well expressed in the Chinese
7 poem which he composed in Nanking on New Year's Day of
8 1938 and which he showed me when I called at his official
9 residence for New Year's greetings. It reads in English
10 something like the following:

11 "Riding north and south for scores of years,

12 I have worked for the renovation of Asia

13 but alas!

14 In a war camp I now greet my sixty-first year:

15 Even so, death shall not overtake my youth-

16 ful hopes.

17 "General MATSUI expounded on the poem as fol-
18 lows:

19 "Through my travels in China for scores of
20 years I have, with all my heart and strength, ever
21 prayed and worked for peace and development of Asia.
22 But on reflecting on what I have actually done, I am
23 aware of the limitations of my ability. I am now in my
24 sixty-first year and in a campaign. But my ardent hopes
25 cherished since my youthful days cannot be overtaken by

1 age. I will forever, even after my body perishes, strive
2 to accomplish the purpose.'

3 "(7) On December 19, Commander MATSUI, for the
4 purpose of inspecting the battlefields, visited Chingling
5 Hill and the Astronomical Observatory, accompanied by
6 his staff officers, and took a wide view of the city
7 from there while listening to the explanations of his
8 staff officers. The General expressed joy and grati-
9 tude at the sight of the perfect condition of the
10 Chung-shan Ling and told his officers that he was sorry
11 for the interruption of General Chiang's endeavor for
12 the unification of China. He added that if General
13 Chiang had been patient for a few years longer and avoid-
14 ed hostilities, Japan would have understood the dis-
15 advantage of trying to solve the issue between the two
16 countries by the use of arms, so that there would not
17 have occurred this tragedy of two brothers fighting
18 against each other within the same house. His staff
19 officers looked curious to hear their General talk in
20 this manner. I stood by and also listened to him.

21 "On his way back, the Commander surprised his
22 staff officers by saying that he would like to see the
23 conditions of the refugees in the neighborhood. And
24 he did go to see them. He asked them about the dangers
25 they had undergone during the fighting and various other

1 pertinent matters, and comforted them saying that
2 despite his strict orders for the soldiers to be care-
3 ful not to harm the refugees, they might sometimes find
4 themselves in trouble because of the inability of the
5 Japanese soldiers to understand their language, but
6 that the days of peace and prosperity would surely
7 come soon, so that they should be engaged in their pro-
8 fessions without anxiety.

9 "The above speech was interpreted word by
10 word by me."

11 THE PRESIDENT: This is a convenient break,
12 Mr. Mattice.

13 We will recess for fifteen minutes.

14 (Whereupon, at 1445, a recess was
15 taken until 1500, after which the proceed-
16 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Mattice.

4 MR. MATTICE: I resume reading at page 9,
5 paragraph 8:

6 "(8) The Commander greatly feared the relax-
7 ation of discipline which is apt to follow severe
8 fighting. So he warned C of S TSUKADA time and again
9 and ordered him to see to the maintenance of discip-
10 line and morale by means of strict orders and severe
11 punishment, and I was often by his side to hear him
12 giving such instructions. Later I saw some officers
13 and soldiers being sent home from Shanghai as crimin-
14 als under severe punishment.

15 "In the middle of February, General MATSUI was
16 ordered home after being discharged from his post as
17 part of the reorganization of the army. He said to
18 me then with a sigh:

19 "It is my great regret to be called home in
20 the middle of my task, which would be a far more honor-
21 able mission for me to accomplish than holding the
22 Commandership of the Army -- the task which consists
23 in stopping armed hostilities at the fall of Nanking
24 and concentrating our efforts in the reconciliation
25 with the Chinese Government without extending the

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18 me then with a sigh:

19 "It is my great regret to be called home in
20 the middle of my task, which would be a far more honor-
21 able mission for me to accomplish than holding the
22 Commandership of the Army -- the task which consists
23 in stopping armed hostilities at the fall of Nanking
24 and concentrating our efforts in the reconciliation
25 with the Chinese Government without extending the

1 fighting line upstream past Nanking, but since my
2 discharge from this post has been commanded by the
3 Emperor, I must obey as a subject should.'

4 "(9) On December 21, after a few days' stay
5 in the city, Commander MATSUI left Nanking on board
6 a Japanese destroyer and returned on the 23rd to the
7 Area Army's Headquarters in Shanghai after visiting
8 the old battle-fields of Niao-lung Shan and Chenkiang
9 on his way. On board the ship with the General, I
10 had opportunities for free and leisurely conversa-
11 tions with him. The following is the gist of what he
12 said to me on this occasion:

13 "'The unhappy war between Japan and China
14 should never be allowed to spread further. In conse-
15 quence of the anti-Japanese education in China since
16 the Manchurian Incident, anti-Japanese feelings have
17 been aggravated among the military circles as well
18 as among students, with the result to endanger the
19 Japanese rights and interests and lives and property
20 of our residents in China. Accordingly, our country
21 has been obliged to appeal to arms in order to defend
22 them, and at last for force of circumstance we have
23 come to this disaster and been forced to capture the
24 Chinese capital. However, the issue between the two
25

1 countries can never be solved by the sword. It may
2 temporarily, but never permanently.

3 "If we do not thoroughly clear the mutual
4 misunderstandings by peaceful steps, that is by
5 diplomatic measures, the two nations will certainly
6 fall into further and greater misfortunes. I am,
7 therefore, determined to endeavor for the establish-
8 ment of permanent peace. My mission as Commander
9 has been primarily in the working out of peace and
10 not in the military operations that I have been en-
11 gaged in so far. If military operations were the
12 only aim, there would have been no reason for picking
13 up an old man like me from the reserve service since
14 there are so many fine generals to choose from on
15 the active list.

16 "Since the two countries have got into
17 belligerent state, negotiations for peace by military
18 authorities on both sides will be more than ever dif-
19 ficult. The most desirable way, therefore, seems to
20 me that both nations should get into negotiations
21 through their respective economic representatives
22 (or cultural representatives though the former are
23 more preferable) and let them work out, quite apart
24 from military operations, a way for peace based on
25 reasonable thinking and persuade each government into

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2 temporarily, but never permanently.

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4 misunderstandings by peaceful steps, that is by
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17 belligerent state, negotiations for peace by military
18 authorities on both sides will be more than ever dif-
19 ficult. The most desirable way, therefore, seems to
20 me that both nations should get into negotiations
21 through their respective economic representatives
22 (or cultural representatives though the former are
23 more preferable) and let them work out, quite apart
24 from military operations, a way for peace based on
25 reasonable thinking and persuade each government into

1 their view so that a peaceful atmosphere may be creat-
2 ed so effectively between the two countries that their
3 governments would eventually dissolve the state of
4 hostility without losing their respective honor and
5 credit.'

6 "I quite agreed with the above view of the
7 General, and after some discussion we decided that
8 the fittest Chinese prominent to play this role was
9 Sung Zou-wen. As soon as I returned to Shanghai, I
10 called by the General's order on Mr. Li Tso-i in the
11 French Concession, conveyed to him the Commander's
12 intention and asked for his approval. Toward the end
13 of January Mr. Li met General MATSUI and agreed that
14 he would convey the General's message to Mr. Sung
15 and ask for his action. So I disguised myself as a
16 Chinese, and Mr. Li and I left Shanghai on board a
17 British steamer on January 4 and arrived in secret in
18 Hongkong around January 10. I stayed in Kowloon and
19 waited for the results of Mr. Li's interviews with
20 Mr. Sung. On January 15 I called on Mr. Li at Hong-
21 kong Hotel and received the following report from
22 him?
23

24 "Through repeated interviews with Mr. Sung,
25 it has been ascertained that Mr. Sung is almost of the
same opinion as we. He regards this unhappy incident

1 as a misfortune not only of Japan and China but of the
2 entire mankind and, therefore, the prevention of its
3 further development, as humanity's common responsi-
4 bility. If General MATSUI sincerely holds to that
5 view as representing the Japanese side, Mr. Sung is
6 ready to act on his part along this line.'

7 "I heartily thanked Mr. Li for this hopeful
8 report and returned to my hotel after requesting him
9 to go farther into concrete negotiations. However,
10 on the following February 16, the KONOYE Declaration,
11 'We ignore the existence of Chiang Kai-shek's Govern-
12 ment' was published by the Japanese Consulate General.
13 On the day after that a telegram came from Colonel
14 USUDA in Shanghai saying 'Commander MATSUI ordered to
15 change. Come back to Shanghai at once.' This finish-
16 ed everything. Thus our endeavours were all brought
17 to naught just before getting the final decision from
18 Mr. Sung.

19
20 "(10) Commander MATSUI left Shanghai on
21 February 23 and returned to Japan. A few days before
22 his departure, he invited Mr. Li and me to a supper at
23 his residence. On that occasion he said:

24 "It is to my great regret that I have lost
25 the chance to stay on in Shanghai and accomplish
peace negotiations, but after returning home and

1 being discharged of my post, I will continue my ef-
2 forts for bringing about permanent peace between China
3 and Japan as a free man MATSUI out of military uni-
4 form.

5 "I have no ambition whatsoever for honor
6 or wealth and much less for political activity. The
7 only desire I have now is to become Ambassador to
8 China and devote the rest of my life to the realiza-
9 tion of peace between the two countries. However, it
10 is very doubtful whether our government, especially
11 our military authorities, will wish my activity in
12 that field.

13 "As Army Commander, I feel responsible for
14 the fact of tens of thousands of soldiers having
15 fallen on both sides for the sake of their respect-
16 ive countries in the severe battles that we have had
17 to fight. So, as soon as I get home, I want to erect
18 a statue of Bodhisattva (Buddhist goddess of mercy)
19 and offer prayers for the eternal repose of these
20 departed souls. For the moulding of the holy statue,
21 I want to mix in the clay some of the soil which soaked
22 the precious blood of Chinese and Japanese warriors.
23 So I wish to have a handful of earth from Tachangchen,
24 where the severest of battles was fought, sent to me
25 by convenient mail.'

1 "In compliance with the above request of the
2 General, I went to Tachangchen and got a handful of
3 soil from beneath the remains of a Chinese and a
4 Japanese soldier and sent it to the General by air
5 mail. Using the earth, he got a statue of Bodhis-
6 attva made, whose noble and beautiful figure can be
7 seen today on the top of a hill near his house at
8 Izusan, Atami. Furthermore he had a temple built
9 for the statue and dedicated the same temple to the
10 souls of Chinese and Japanese war-dead, and every
11 morning, fine or foul, he climbed the hill to the
12 sacred temple and offered prayers for the repose of
13 the soldiers' souls and for eternal peace of Asia.

14 "(11) The General is a man with a strong
15 sense of justice. When I was in Fuchow in China,
16 a People's Revolutionary Government was organized in
17 Fokien province in opposition to General Chiang. At
18 that time General MATSUI was Commander of the Formosan
19 Army. When he was informed of an attempt among some
20 Japanese people to restrain the Nationalist Govern-
21 ment by supporting the People's Revolutionary Govern-
22 ment in Fokien province and of General Chiang's worry
23 about it, he declared that no Japanese should ever
24 support a government which might hinder the unifi-
25 cation of China. The Commander's determination was

1 communicated to General Chiang Kai-shek through Mr.
2 Li Tse-i who was then in Formosa, and I know General
3 Chiang was very much pleased with it.

4 "Meanwhile Staff-officer TSUCHIHASHI of the
5 Formosan Army was sent to the People's Revolutionary
6 Government in Fokien with General MATSUI's advice
7 that since civil war was most disastrous to peace-
8 ful people, the Revolutionary troops should retreat
9 with fighting with the Nationalist Army. In com-
10 pliance with General MATSUI's advice, the Revolution-
11 ary Army peacefully retreated to Canton and the
12 Nationalist Army took over Fukien province without
13 bloodshed. I was then in Fuchow and took part in
14 the affair, so I am well informed of its actual
15 circumstances.

16 "(12) The following are some instances of
17 the humaneness and kindheartedness shown by General
18 MATSUI in January of 1938 when he was in Shanghai
19 soon after the close of the battles:

20 "(A) Supreme Commander MATSUI presented
21 ten thousand yen to Jaquinet, a French missionary,
22 on January 14 for the purpose of repaying his acts
23 of charity and for the relief of the poor in the
24 Nan-shih refugee quarters. Father Jaquinet had, out
25 of his humane spirit, fought for the establishment

1 of the Nan-shih refugee quarters in the northern
2 section of Nan-shih and, living in a Christian church
3 there, he himself was supervising the relief work.
4 His acts of charity had been gratefully appreciated
5 by different circles.

6 "(B) Mr. NIKAIDO, Masasuke (aged 32), a
7 teacher at the Shumei Primary School in Osaka, came
8 to Shanghai as a non-regular officer of the Osaka
9 Educational Society, bringing with him school
10 children's freedrawings, letters, and presents of
11 candies for the soldiers. When he saw Commander
12 MATSUI, the General, pointing out the fact that
13 every letter of encouragement from Japanese children
14 was full of such phrases as 'hateful Chinese' and
15 'chastisement of insolent China' betraying the low
16 level of Japanese education, strictly warned the
17 school teacher against having the children use such
18 phrases again.

19 "From these words and deeds of his, we can
20 easily understand that General MATSUI is a man who
21 never loses sight of human justice.

22 "On this 10th day of December, 1946."
23
24
25

1 MR. MATTICE: Will a Japanese copy of 2670
2 be handed the witness, please?

3 (Whereupon, a document was handed
4 to the witness.)

5 BY MR. MATTICE (Continued):

6 Q Mr. OKADA, will you look at your affidavit
7 and, if you can find it, paragraph 6. Where you
8 speak of the Chinese poem, see if you can find that
9 place.

10 A I could not hear. May I have it repeated?

11 Q Will you see if you can find in paragraph 6
12 of your affidavit the place where you speak of General
13 MATSUI exhibiting a Chinese poem?

14 A Now I understand.

15 Q In reading the English copy, I read that this
16 Chinese poem was shown you in Nanking, and I want to
17 ask you whether that is correct or whether it should
18 not be some other city than Nanking.

19 A This Chinese poem was shown to me in Shanghai.

20 Q So that your affidavit should read at that
21 point "Shanghai" instead of "Nanking"?

22 A Yes.

23 MR. MATTICE: I have an additional --

24 THE PRESIDENT: I don't know that you have
25 succeeded in doing what you set out to do. You said

1 that MATSUI composed the poem in Nanking on New Years
2 Day.

3 MR. MATTICE: My copy reads "showed me."

4 THE PRESIDENT: He may have read it over in
5 Shanghai, certainly. That's clear now. So the wit-
6 ness says.

7 Q What occurred with respect to this poem in
8 Shanghai?

9 A What do you mean by that?

10 Q Well, what, if anything, occurred with re-
11 spect to the poem? How did you come to see it?

12 A On New Years Day, 1938, I made a courtesy
13 call on General MATSUI. It was customary for the
14 General to compose a poem on every New Years Day, and
15 on this particular occasion he showed me the poem he
16 had composed that morning.

17 THE PRESIDENT: Is he purporting to read from
18 his affidavit in Japanese?

19 THE PRESIDENT: No, I am not.

20 THE PRESIDENT: I think we should refer that
21 original affidavit in Japanese to the Language Section.
22

23 MR. MATTICE: I have an additional question
24 or two at this time.

25 Q Where did General MATSUI have his headquart-
ers before the fighting at Nanking began?

1 A General MATSUI and I went to Soochow on the
2 8th of December, and on the same day I left for
3 Tangshuichen. It was the 13th when I left Tangshui-
4 chen and returned to Shanghai -- and went to Nanking.

5 Q Now, between the 8th and the 13th, what is
6 the fact about General MATSUI being able to attend to
7 the duties of his office?

8 A I couldn't quite comprehend the question.
9 May I have it repeated?

10 THE MONITOR: Japanese court reporter.

11 (Whereupon, the Japanese court
12 reporter read.)

13 A (Continuing) On the 8th, the General,
14 MATSUI, and I arrived at Soochow, and on the same day
15 I left General MATSUI and alone proceeded to Tangshui-
16 chen. At the time I parted company with General MAT-
17 SUI it appeared that he was suffering from a slight
18 cold. I do not know the details as to what General
19 MATSUI's disposition was after I left Tangshuichen and
20 went to Nanking on the 13th.

21 MR. MATTICE: You may cross-examine.

22 THE PRESIDENT: Brigadier Nolan.

23 BRIGADIER NOLAN: No questions, thank you.

24 MR. MATTICE: May the witness be excused?

25 THE PRESIDENT: He is excused on the usual

terms.

1 (Whereupon, the witness was ex-
2 cused.)

3 MR. MATTICE: By request, I next offer defense
4 document 2594 in evidence. This is a photograph of
5 the inauguration of Kannondo erected by MATSUI,
6 Iwane. It makes clear the fact that he enshrined both
7 Japanese and Chinese who were killed in the China
8 Incident holding memorial services for them without
9 discrimination. It further testifies that he treated
10 both Japanese and Chinese with brotherly love from
11 the bottom of his heart.
12

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 2594
15 will receive exhibit No. 3410.

16 (Whereupon, the document above re-
17 ferred to was marked defense exhibit No.
18 3410 and received in evidence.)

19 MR. MATTICE: The exhibit consists of photo-
20 static copies, and there is nothing as far as reading.

21 Now, language section, reverting on the order
22 of proof to the item numbered 2, we next offer in evi-
23 dence, if the Court please, defense document 1077A,
24 1077B.
25

THE PRESIDENT: Brigadier Nolan.

1 BRIGADIER NOLAN: May it please the Tri-
2 bunal, these documents were offered in evidence at
3 pages 21,431 and 21,432 of the record and were re-
4 jected. At that time the President of the Tribunal
5 said that the accused MATSUI could give this evi-
6 dence himself later. I make no objection to this
7 tender of the document other than to the first four
8 lines of document 1077A which is a gratuitous obser-
9 vation and forms no part of General MATSUI's state-
10 ment. And I make a similar objection to the first
11 four and half lines of 1077B which also form no
12 part of the statement of the General.

13 MR. LATTICE: Those paragraphs may be de-
14 leted.

15 THE PRESIDENT: Admitted on the usual terms
16 with the exception of the paragraphs objected to.

17 CLERK OF THE COURT: Defense document No.
18 1077A will receive exhibit No. 3411, and defense
19 document No. 1077B will receive exhibit No. 3412.

20 (Whereupon, the documents above
21 referred to were marked defense exhibits
22 3411 and 3412, respectively, and received
23 in evidence.)
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MR. MATTICE: Reading exhibit No. 3411.

1 "Having received the Imperial command, I,
2 with heavy responsibilities of carrying out foreign
3 expedition, landed some time ago at the Kiang-nan
4 Area which is in the south of the Yangtze River.
5 Since that time our Army's influence has been suf-
6 ficiently increased, and the devil-subduing sharp
7 bayonets are just on the point of being unsheathed
8 so as to develop their divine influence. The mission
9 of the Army, based upon the principle of the Japanese
10 Government's statement, is to fulfill all its duties
11 of protecting our rights and interests and of safe-
12 guarding Japanese residents, and to chastise the Nan-
13 king Government and the outrageous Chinese, as well
14 as to have them throw away all their anti-foreign
15 and anti-Japanese policies which are being generally
16 influenced by communism so as to establish firmly
17 the foundation for the pleasant and peaceful East
18 Asia. I deeply sympathize with the innocent people
19 in all operation areas, that is to say, although our
20 Army does not regard the people in general as its
21 enemy from the outset, yet those who would resist
22 to or injure our army, irrespective of soldiers or
23 civilians, would be punished without the slightest
24 reserve. I cannot help sympathizing with the various
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23 civilians, would be punished without the slightest
24 reserve. I cannot help sympathizing with the various
25

1 foreign officials and peoples who are exposed to war
2 disasters, or whose lives and properties are being
3 threatened. As for the rights and interests of the
4 powers, they have been respected as well as protected,
5 and they have never been damaged even in the slightest
6 degree. I am of the firm belief that all the Japan-
7 ese forces, ever virtuous and strong, will, with
8 perfectly united Army and Navy, most certainly
9 clear away all war clouds above all Kiang-nan area
10 and in this way will be able to establish the happy
11 dawn of peace at no distant date.

12 "General MATSUI Iwane, The Imperial Japanese
13 Army, Highest Commander of the Army in the Shanghai
14 area, October 8th, 1937."

15 Exhibit 3412.

16 "It is a matter of deep regret to the two
17 nations of China and Japan that immediately after
18 the outbreak of North China Incident, the feelings
19 of the both nations began to burst out, and by force
20 of circumstance it seems that a hundred year crisis
21 is to be brought about in East Asia after the battle
22 lines were finally expanded to a great degree.

23 "At this juncture, for the good of a great
24 number of the Chinese people in and out of government
25 offices, I hope that the Chinese officials and people

1 would meditate and observe all the internal and ex-
2 ternal affairs, with their eyes wide open, and reflect
3 themselves over and over again recalling that principle
4 of morality for East Asia.

5 "Indeed, it means the destruction of the
6 international morality and also the disturbance of
7 the peace in the Orient that such acts as to under-
8 value Japan's real power under a spell of their
9 self-complacency principle, or to endanger their
10 existence because of their over-readiness for com-
11 munistic influence, and, furthermore, for the sake
12 of executing peace restoration movement, to utilize
13 anti-Japanese and resistance principles for the means
14 of unifying national opinion and to strengthen the
15 political powers by emphasizing most strongly the
16 necessity of advocating the above principles. Even
17 in case their principle 'Down with Japan,' which
18 they are only too ready to decry should by chance
19 be realized, I wonder whether they would still con-
20 sider that the five races of China would be able to
21 lead their happy life by so doing. There is no reason
22 why such a plain reason should not be understood by
23 them. However, it is indeed a fact of great regret
24 to me that the Chinese people in general are placed
25 in such a deplorable situation in which they cannot

1 speak out even such matters openly. My sincere hope
2 for your reflection truly lies in this very point.
3 It must be recalled, in my opinion, that Dr. Sun Chung-
4 shan, great founder of the Chinese Republic, has
5 always hoped for and endeavored to establish peace
6 in the Orient, as well as for the restoration of
7 China.

1 "What Japan really hopes for is the coalition
2 between China and Japan, and I am of the firm belief
3 that this is truly the principle which will bring about
4 peace in the Orient. But if the thoughts or feelings
5 of the Chinese Government and people toward Japan should
6 remain just as they are, it would be necessary, to my
7 regret, to uproot all their anti-Japanese and resistance
8 movements, and to eliminate completely the fundamental
9 cause of unhappy events which are prevalent at the
10 present. The sole object of our Army rests on this
11 point, It goes without saying that the Imperial
12 Japanese Army should not be easily mobilized. It is
13 our belief, however, that, if it should rise up in
14 arms once, it is our real intention to annihilate the
15 enemy completely so as to attain the object of its ex-
16 pedition. The aim of the attack of our Army is solely
17 directed toward the Nanking Government and its Army
18 which resist Japan, but we have no intention whatever
19 to aim at the people in general for the object of our
20 operation. That is to say, the time has come for the
21 Chinese officials and people who have hitherto been
22 busily engaged in the work of the firm establishment of
23 the Nanking Military Clan Regime to return to their
24 normal state by throwing away their former illusions.
25 Hence, our Army would never hesitate to carry out a

1 great work of constructing Greater Asia hand-in-hand with
2 any country which would try to join us with sincerity
3 for the maintenance of peace in the Orient. If, however,
4 there should be some people who, under a spell of night-
5 mare, would resist us or prevent us from taking actions,
6 we should never be able to refrain from chastising them.
7 I deeply sympathize with the innocent people in general
8 who suffered from disasters of war or exposed themselves
9 to the danger of losing their lives and properties.
10 Furthermore, I hope that you would keep yourselves away
11 from all the battlefields for the time being instead of
12 being misled by groundless rumors and rest upon perfect
13 reliance for the Imperial Army especially at this juncture.

14 "All the farmers who are residing in operation
15 areas are truly to be considered as disregarding the
16 blessings of heaven and earth, for they are not taking
17 advantage of all the grains that are ripe, and that
18 they have all stopped their own works by leaving their
19 safe and peaceful houses at this good harvest time. I
20 greatly regret this fact. Some troops of our Army
21 requisitioned some grains which had been left in farm
22 houses a while ago, but the fact is that there was no
23 one for us to deal with directly, for there were no
24 inhabitants left at that time. Under such unavoidable
25 circumstances, everything has been left unsolved until

1 now. For the compensation of the above, our Army would
2 readily be responsible for its payment for them, and
3 we are simply waiting for the advent of such opportunity.
4 As it has already been mentioned above, our Army does
5 not entertain any enmity toward the harmless people.
6 And furthermore, it has been my constant desire to
7 guarantee their safety, and to safeguard their means of
8 livelihood. It is my sincere advice to all the good
9 people in the areas in the rear of battlefields where
10 our Army is garrisoned and that they will speedily
11 return to their respective farms yearning after the lands
12 where the spirits of their ancestors have been resting,
13 and will continue their own works without any anxiety
14 with perfect reliance for the Imperial Japanese Army."

15 We next offer in evidence defense document
16 No. 2628 which is an account in the Tokyo Nichi-Nichi
17 Shimbun dated November 16, 1937. This will prove that
18 General MATSUI gave humane assistance to refugees in
19 the refugees' district which was established by Catholic
20 Bishop Jacquino at Nentao, Shanghai.

21 THE PRESIDENT: Brigadier Nolan.

22 BRIGADIER NOLAN: May it please the Tribunal,
23 the prosecution objects to this document on the ground
24 that it is merely a newspaper account intended for public
25 consumption of certain events which took place in China.

THE PRESIDENT: Would you say it was repetitive?

BRIGADIER NOLAN: I would say that it was repetitive, sir, and I would go further and suggest that it deals with conditions in a city with respect of which no atrocities have either been pleaded or proved.

I also submit that it is propaganda, as is made evident by the description of the opposition as being the last illegal resistance of the Chinese troops.

We submit that extracts from journalists of this nature have no probative value and should be rejected by the Tribunal.

MR. MATTICE: I am quite familiar with the rule with respect to newspaper articles. However, it seemed to those of us who prepared this part of the case that this was one that might be pertinent and relevant.

THE PRESIDENT: By a majority the objection is sustained and the document rejected.

MR. MATTICE: Now, if the Tribunal please, we have concluded the accused MATSUI's individual defense with the exception of his own testimony. I was informed at noon today by the physician at the hospital that, while he couldn't say that General MATSUI could be here Monday morning, it was possible that he might. In view of the lateness of the hour, may I suggest an adjournment until Monday morning?

1 THE PRESIDENT: We will adjourn until half
2 past nine Monday morning.

3 (Whereupon, at 15.7, an adjournment
4 was taken until Monday, 10 November 1947, at
5 0930.)

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